

# BOARD OF SCHOOL DIRECTORS

**WORK SESSION**  
**Tuesday, September 8, 2020**  
**7:00 PM**

## *MINUTES*

<b>Call to Order</b>	President Patricia Ann Shaw called the meeting to order at 7:00 p.m.
<b>Pledge</b>	The meeting opened with the pledge to the flag.
<b>Attendance</b>	<p>Those present included: Mr. Cesario, Ms. Crowell, Mrs. Donahue, Ms. Evans, Mr. LaPorte, Ms. Lindsey, Mrs. Lydon, Mr. Raso and Ms. Shaw. Also present were Dr. William P. Stropkaj, Superintendent; Dr. Shannon Varley, Director of Curriculum, Instruction, Assessment and Staff Development; Mr. Joseph Kubiak, Director of Finance and Human Resources/Board Secretary; Mr. Michael Brungo, Solicitor.</p> <p>Mrs. Maureen S. Myers, Assistant Board Secretary/Recording Secretary was absent.</p>
<b>Public Comment</b>	<p><b>PUBLIC COMMENT</b></p> <p>Public comment submitted electronically to the Board was received from:</p> <p>Luke O'Brien, Amy Defalco, Mike Wolfe, Reid Loper, Jon Mussitsch, J Loleksak and The Hennies Family.</p>
<b>Board President's Report</b>	<p><b>BOARD PRESIDENT'S REPORT – Ms. Patricia Ann Shaw</b></p> <p>The following action items will be considered at the September 22, 2020 Business/Legislative Meeting:</p> <p><b><u>BOARD ACTION REQUESTED</u></b></p>
<b>Board Minutes</b>	<p><b>BOARD MINUTES</b></p> <p>It is recommended that the Board approve the Special Voting Meeting/Work Session Minutes of August 11, 2020 and the Business/Legislative Minutes of August 18, 2020.</p>
<b>Superintendent Goals</b>	<p><b>SUPERINTENDENT GOALS</b></p> <p>It is recommended that the Board approve the following goals for William P. Stropkaj, Ed.D., Superintendent as per the Superintendent's Contract 2017/2022:</p>

1. Development of a Personalized Learning Tool that will be used to track students' education as they progress through the system, K-12.
2. Evaluation of all current employee evaluation tools so as to create a system that allows each employee to grow as an employee and as an individual.
3. Evaluation of current hiring practices so as to establish best practices in recruiting, interviewing, selecting, and onboarding.
4. Development of an Educational Equity Action Plan with accountability goals and metrics to address inequities in funding, programs, policies, initiatives, and supports that target each student's academic, social, and emotional needs so as to assure that each student has access to a high-quality education.
5. Development of a Ninth Grade Academy that will be implemented during the 2021/2022 school year.

**Agreement 01-2020**

**AGREEMENT 01-2020 BETWEEN KEYSTONE OAKS SCHOOL DISTRICT AND THE KEYSTONE OAKS EDUCATION ASSOCIATION**

The Administration recommends that the Board approve the Agreement 01-2020 between the Keystone Oaks School District and the Keystone Oaks Education Association PSEA/NEA.

**For Information Only**

**FOR INFORMATION ONLY**

- I. Parkway West Career and Technology Center Report *Ms. Annie Shaw*
- II. SHASDA Report *Mr. Santo Raso*
- III. PSBA/Legislative Report *Mrs. Theresa Lydon*
- IV. News from the Boroughs

**Executive Session**

**EXECUTIVE SESSION**

Executive Session was held after this evening's Work Session to discuss a student personnel issues.

**Superintendent's Report**

**SUPERINTENDENT'S REPORT – Dr. William P. Stropkaj**

The following action items will be considered at the September 22, 2020 Business/Legislative Meeting:

**BOARD ACTION REQUESTED**

**Safety & Security Coordinator**

**SCHOOL SAFETY AND SECURITY COORDINATOR**

In compliance with Act 44 of 2018 signed by Governor Wolf in June 2018, and at the recommendation of Dr. Stropkaj, it is recommended that the Board appoint Mr. Joseph

Kubiak as the Keystone Oaks School District School Safety & Security Coordinator effective immediately.

**Policy 103**                    **FIRST READING POLICY 103: DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS**

It is recommended that the Board approve the FIRST READING of Policy 103: *Discrimination/Title IX Sexual Harassment Affecting Students*.

**Policy 104**                    **FIRST READING POLICY 104: DISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF**

It is recommended that the Board approve the FIRST READING of Policy 104: *Discrimination/Title IX Sexual Harassment Affecting Staff*.

**Policy 247**                    **FIRST READING POLICY 247: HAZING**

It is recommended that the Board approve the FIRST READING of Policy 247: *Hazing*.

**Policy 252**                    **FIRST READING POLICY 252: DATING VIOLENCE**

It is recommended that the Board approve the FIRST READING of Policy 252: *Dating Violence*.

**Policy 817.1**                    **FIRST READING POLICY 817.1: EDUCATOR MISCONDUCT**

It is recommended that the Board approve the FIRST READING of Policy 817.1: *Educator Misconduct*.

**Policy 847**                    **FIRST READING POLICY 847: MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES**

It is recommended that the Board approve the FIRST READING of Policy 847: *Maintaining Professional Adult/Student Boundaries*.

**Policy 865**                    **FIRST READING POLICY 865: USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY**

It is recommended that the Board approve the FIRST READING of Policy 865: *Use of Livestream Video on District Property*.

**Attachment 103-AR-1**                    **ATTACHMENT NO. 103-AR-1: REPORT FORM (STUDENTS)**

It is recommended that the Board approve the FIRST READING of Attachment No. 103-AR-1: *Report Form (Students)*.

**Attachment 103-AR-2**                    **ATTACHMENT NO. 103-AR-2: DISCRIMINATION COMPLAINT PROCEDURES (STUDENTS)**

It is recommended that the Board approve the FIRST READING of Attachment No. 103-AR-2: *Discrimination Complaint Procedures (Students)*.

Attachment 103-AR-3

**ATTACHMENT NO. 103-AR-3: TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS (STUDENTS)**

It is recommended that the Board approve the FIRST READING of Attachment No. 103-AR-3: *Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints (Students)*.

Attachment 104-AR-1

**ATTACHMENT NO. 104-AR-1: REPORT FORM (STAFF)**

It is recommended that the Board approve the FIRST READING of Attachment No. 104-AR-1: *Report Form (Staff)*.

Attachment 104-AR-2

**ATTACHMENT NO. 104-AR-2: DISCRIMINATION COMPLAINT PROCEDURES (STAFF)**

It is recommended that the Board approve the FIRST READING of Attachment No. 104-AR-2: *Discrimination Complaint Procedures (Staff)*.

Attachment 104-AR-3

**ATTACHMENT NO. 104-AR-3: TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS (STAFF)**

It is recommended that the Board approve the FIRST READING of Attachment No. 819-AR-3: *Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints (Staff)*.

Policy 255

**SECOND READING POLICY 255: EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE**

It is recommended that the Board approve the SECOND READING of Policy 255: *Educational Stability for Children in Foster Care*.

Policy 627

**SECOND READING POLICY 627: FEDERAL FISCAL COMPLIANCE**

It is recommended that the Board approve the SECOND READING of Policy 627: *Federal Fiscal Compliance*.

Policy 808

**SECOND READING POLICY 808: FOOD SERVICES**

It is recommended that the Board approve the SECOND READING of Policy 808: *Food Services*.

Policy 819

**SECOND READING POLICY 819: SUICIDE AWARENESS**

It is recommended that the Board approve the SECOND READING of Policy 819: *Suicide Awareness*.

**Attachment 627-AR-1**

**ATTACHMENT NO. 627-AR-1: TYPES OF COSTS OBLIGATIONS PROPERTY MANAGMENT**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-1: *Types of Costs Obligations Property Management*.

**Attachment 627-AR-2**

**ATTACHMENT NO. 627-AR-2: ALLOWABILITY OF COSTS**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-2: *Allowability of Costs*.

**Attachment 627-AR-3**

**ATTACHMENT NO. 627-AR-3: CASH MANAGEMENT**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-3: *Cash Management*.

**Attachment 627-AR-4**

**ATTACHMENT NO. 627-AR-4: SUBRECIPIENT MONITORING**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-4: *Subrecipient Monitoring*.

**Attachment 627-AR-5**

**ATTACHMENT NO. 627-AR-5: PROCUREMENT**

It is recommended that the Board approve the SECOND READING of Attachment No. 627-AR-5: *Procurement*.

**Attachment 819-AR-1**

**ATTACHMENT NO. 819-AR-1: SUICIDE PREVENTION RESOURCES**

It is recommended that the Board approve the SECOND READING of Attachment No. 819-AR-1: *Suicide Prevention Resources*.

**Education Report**

**EDUCATION REPORT – Mrs. Theresa Lydon**

The following action items will be considered at the September 22, 2020 Business/Legislative Meeting:

**BOARD ACTION REQUESTED**

**Adoption of Textbook**

**ADOPTION OF TEXTBOOK FOR THE 2020/2021 SCHOOL YEAR**

The Administration recommends the adoption and purchase (approximate cost listed below) of the following textbook for the 2020/2021 school year:

<b><u>Textbook</u></b>	<b><u>Publisher</u></b>	<b><u>Price</u></b>
<i>Temas</i> , AP Spanish	Vista Higher Learning	\$2,770.90

(includes digital subscriptions) (22 copies @ \$129.95 each)

*Themes, AP French* Vista Higher Learning \$1,259.50  
(includes digital subscriptions) (10 copies @ \$125.95 each)

**Pupil Personnel Report**

**PUPIL PERSONNEL REPORT – Dr. William P. Stropkaj**

The following action items will be considered at the September 22, 2020 Business/Legislative Meeting:

**BOARD ACTION REQUESTED**

**AIU Agreement**

**ALLEGHENY INTERMEDIATE UNIT HEAD START LEASE AGREEMENT**

The Administration recommends that the Board approve the Allegheny Intermediate Unit Head Start Program Lease Agreement with the Keystone Oaks School District at an amount of \$4,500.00, payable in twelve (12) installments of \$375.00, effective September 1, 2020 through August 31, 2021. The space rental is for a classroom at Dormont Elementary School.

**Personnel Report**

**PERSONNEL REPORT – Mr. Matthew Cesario & Ms. Patricia A. Shaw**

The following action items will be considered at the September 22, 2020 Business/Legislative Meeting:

**BOARD ACTION REQUESTED**

**Retirement**

**RETIREMENT**

The Administration recommends that the Board accept the following retirement effective September 7, 2020

<u>Name</u>	<u>Position</u>	<u>Years of Service</u>
Beverly Farber	Paraprofessional – Myrtle Elementary	14

**Resignation**

**RESIGNATION**

It is recommended that the Board accept the following resignations:

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>
Scott Cunningham	Custodian	August 17, 2020
Heidi Pape	Paraprofessional	August 15, 2020

**Appointments**

**APPOINTMENTS**

**1. Professional Employee**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, the Administration recommends the employment of:

**Richelle Davis**

Special Education – Myrtle Elementary  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**Gina Huss**

ELA – Middle School  
Salary - \$48,000.00 (M, Step 4)  
Effective – September 1, 2020

**Erin Rebish**

Nurse – Districtwide  
Salary - \$44,500.00 (B+24, Step 1)  
Effective – August 25, 2020

**Abbey Schaffer**

Special Education – Dormont Elementary  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**Georgia Yamalis**

Special Education – Aiken Elementary  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**2. Long Term Substitutes**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the Board approve the following individuals as a Long Term Substitutes:

**Kimberly Douglass**

2<sup>nd</sup> Grade – Myrtle Elementary – 2020/2021 School Year  
Salary - \$45,000.00 (M, Step 1)  
Effective – September 1, 2020

**Kelly Kutrufis**

4<sup>th</sup> Grade – Myrtle Elementary – 2020/2021 School Year  
Salary - \$44,250.00 (B, Step 1)  
Effective – September 1, 2020

**3. Department Liaisons 2020/2021**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the following teachers be approved as Department Liaisons for the 2020/2021 school year:

<u>Employee</u>	<u>Grade/Subject</u>	<u>Compensation</u>
Ryan Warner	Seventh Grade	\$1,000.00

#### **4. Approval of Athletic Positions and Stipends**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the Board approve the following individuals for the 2020/2021 school year:

<u>Sport</u>	<u>Position</u>	<u>Coach</u>	<u>Stipend</u>
<b>Cheerleaders</b>	Varsity	<b>Sharon Bean</b>	\$3,850.00
	JV	<b>Lexi Fabbio</b>	\$1,150.00
	JV	<b>Bre Pierce</b>	\$1,150.00
	Middle School	<b>Sydney DeAngelis</b>	\$2,075.00
<b>Cross Country</b>	Head Coach	<b>Sarah Hardner</b>	\$4,250.00
	Assistant	<b>Judith Fritz</b>	\$2,000.00
	Assistant	<b>Lainey Resatar</b>	\$2,000.00
<b>Dance Team</b>	Head Coach	<b>Sydney DeAngelis</b>	\$2,075.00
<b>Football</b>	Head Coach	<b>Greg Perry</b>	\$8,350.00
	Assistant	<b>Steve McCormick</b>	\$5,800.00
	Assistant	<b>Russ Klein</b>	\$5,200.00
	Assistant	<b>Jim Feeney</b>	\$5,200.00
	Assistant	<b>Donnie Burns</b>	\$5,200.00
	Assistant	<b>Dale Klobuchir</b>	\$3,375.00
	Assistant	<b>Kobe Phillippi</b>	\$3,375.00
	Assistant	<b>Joseph Kazalas</b>	\$3,375.00
	Middle School	<b>Andrew Bell</b>	\$3,450.00
	Middle School	<b>Jimmy Canello</b>	\$3,350.00
<b>Golf</b>	Head Coach	<b>Dennis Sarchet</b>	\$4,250.00
	Assistant	<b>Josh Short</b>	\$2,800.00
<b>Soccer (Boys)</b>	Head Coach	<b>Tyler Schultz</b>	\$4,750.00
	Assistant	<b>John McCarthy</b>	\$2,500.00
	Assistant	<b>Eric Michalski</b>	\$2,500.00
	Assistant	<b>John Paul Nicola</b>	\$2,500.00
	Middle School	<b>Keith Buckley</b>	\$3,000.00



	Middle School	<b>Jeremy Diven</b>	\$2,100.00
<b>Soccer (Girls)</b>	Head Coach	<b>Roman Nardozi</b>	\$4,750.00
	Assistant	<b>Bryan Taylor</b>	\$3,600.00
	Assistant	<b>Hayley Frederick</b>	\$3,140.00
	Middle School	<b>Ed Scott</b>	\$2,860.00
	Middle School	<b>Matt Paradise</b>	\$3,000.00
<b>Tennis (Girls)</b>	Head Coach	<b>Leslie Leopold</b>	\$4,200.00
	Assistant	<b>James Svidron</b>	\$2,800.00
<b>Volleyball (Girls)</b>	Head Coach	<b>Michael O’Leary</b>	\$4,250.00
	Assistant	<b>Dave Harouse</b>	\$2,855.00
	Volunteer	<b>Isabella Harris</b>	
<b>Support Positions</b>	Athletic Director	<b>Mark Elphinstone</b>	\$8,350.00
	Equipment Manager	<b>Mark Elphinstone</b>	\$4,700.00
	Weight Room Coordinator	<b>Greg Perry</b>	\$2,652.00

**5. Specialized and Support Positions**

In compliance with the *Keystone Oaks Education Association Collective Bargaining Agreement 2017-2020*, it is recommended that the Board approve the following individuals for the 2020/2021 school year:

<b><u>Position</u></b>	<b><u>Name</u></b>	<b><u>Stipend</u></b>
Marching Band Director	<b>William Eibeck</b>	\$5,000.00
Marching Band Assistant	<b>Chelsea Fredrickson</b>	\$3,000.00
Marching Band Assistant	<b>Abigail Langhorst</b>	\$2,400.00
Marching Band Assistant	<b>Kaitlyn Caron</b>	\$2,100.00

Leave of Absence

**LEAVE OF ABSENCE**

It is recommended that the Board approve the following individuals for Family and Medical Leave:

- Employee 806 – Effective August 24, 2020 to November 23, 2020
- Employee 2077 – Effective September 8, 2020 to December 1, 2020
- Employee 3416 – Effective September 8, 2020 to December 3, 2020
- Employee 4206 – Effective September 8, 2020 to December 3, 2020

Finance Report

**FINANCE REPORT – Ms. Raeann Lindsey**

The following action items will be considered at the September 22, 2020 Business/Legislative Meeting:

**BOARD ACTION REQUESTED**

**Accounts Payable**

**ACCOUNTS PAYABLE APPROVAL LISTS THROUGH AUGUST 31, 2020**

The Administration recommends approval of the following Accounts Payable lists as presented in the *Finance Package*:

A. General Fund as of August 31, 2020 (Check No. 62544-62872)	\$645,986.88
B. Food Service Fund as of August 31, 2020 (Check No. 9265-9273)	\$21,858.30
C. Athletics as of August 31, 2020 (Check No. 3221-3224)	\$4,565.05
D. Capital Reserve as of August 31, 2020 (Check No. 1645)	\$123,259.04
<b>TOTAL</b>	<b>\$795,669.27</b>

**Activities & Athletics Report**

**ACTIVITIES & ATHLETICS REPORT – Ms. Raeann Lindsey**

The following action items will be considered at the September 22, 2020 Business/Legislative Meeting:

**BOARD ACTION REQUESTED**

**Athletic Health & Safety Plan Change**

**ATHLETIC HEALTH AND SAFETY PLAN CHANGE**

It is recommended that the Board approve the following changes (added language) to the Athletic Health and Safety Plan that was approved on June 30, 2020:

Water pumpers will be available at facilities. Coaches and athletic trainers will be the people filling athletes’ water bottles. Athletes are responsible for having their own water bottle.

Travel to games:

- 24 persons on a large school bus with physical distancing, mask required.
- 6 persons on a large van with physical distancing, mask required.
- 2 persons on a small van with physical distancing, mask required.

Transportation has limited numbers that can ride the bus/vans. Masks must be worn at all times when traveling.

Locker rooms will not be available other than to change. Athletes will be sent to locker rooms in small groups and have 5 minutes to change and leave the locker room. Showers will not be available. Bathrooms will be available.

Locker rooms will not be available for away teams. Teams will need to come to the facilities prepared. Bathrooms will be available. In the event of severe weather, locker rooms will be made available.

The District will follow the PIAA/WPIAL guidelines set forth for having WPIAL contest, the Allegheny Health Department Guidelines and the District’s Return to Play Guidelines.

**Adjournment**

**ADJOURNMENT**

On the motion of Mrs. Lydon, seconded by Mr. Raso, the meeting was adjourned at 7:35p.m.

*Motion passed 9-0*

Respectfully submitted,

Joseph A. Kubiak  
Board Secretary

**Stropkaj, William**

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**From:** William Stropkaj  
**Sent:** Monday, September 7, 2020 9:38 AM  
**To:** Stropkaj, William; School Board  
**Subject:** Parents/Guardians attending sporting events

To Whom It May Concern:

Please consider allowing fans to attend sporting events for fall sports such as football, soccer, and tennis. At the very least allowing two parents or two guardians to attend their child's sporting events. I feel that with the small number of fans at some of these fall sports, it is absolutely possible for those fans or at least parents/guardians attending to practice safety measures that would limit exposure to Covid-19.

Our student athletes need the support of family and friends during these unusual and uncertain times. Please consider giving students the full physical and emotional support they need when competing, it will lessen the anxiety of the athletes and the parents/guardians if we can be there for our children.

Sincerely,  
Luke O'Brien

## **Stropkaj, William**

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**From:** [REDACTED]  
**Sent:** Monday, September 7, 2020 7:19 PM  
**To:** Stropkaj, William  
**Subject:** Spectators

I'm just reaching out to voice my opinion on spectators being permitted at the games. I understand that with the current guidelines in place we are limited to numbers but there is space and plenty of room for social distancing. My son has worked hard all year to be able to start this year and I won't be there to cheer him on. I am extremely grateful to be able to watch on my t.v. and I appreciate everything they have done to put that in place. I'm asking you to consider those senior parents who have watched their children since their early days, listened to their frustrations, encouraged them to keep going when it was hard, healed the injuries, and cheered them on with everything they had. These kids look for their families and friends in the stands. If there isn't room for all parents then please consider only senior parents.

## **Stropkaj, William**

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**From:** William Stropkaj  
**Sent:** Monday, September 7, 2020 10:23 PM  
**To:** Stropkaj, William  
**Subject:** Work Session Meeting comment

Dr. Stropkaj,

As a parent of a KO freshman soccer player, I respectfully ask the school board to allow fans to attend KO endorsed athletic events this fall. Dormont Memorial Stadium has sufficient capacity to allow for, at a minimum, parents of each player to attend games while maintaining social distancing between households. It can be done safely and efficiently without having undue burden on staff. While the most important thing is for the players to be able to play, parents have invested a great deal of time and effort over the years getting these athletes to training and games and it is important to allow them to watch these athletes show how it all culminates on the field.

Thank you for your time and consideration.

Best regards,  
Mike Wolfe

## **Stropkaj, William**

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**From:** William Stropkaj  
**Sent:** Tuesday, September 8, 2020 10:30 AM  
**To:** AM Stropkaj, William  
**Subject:** Input for School Board meeting - 9/8

Dr. Stopkaj,

Good morning, and happy first day of school.

I wanted to provide my input prior to tonight's school board meeting, regarding the subject of fans at fall sporting events.

My name is Reid Loper. I'm the father of Anika and Jake Loper. Both of my kids play on the high school varsity soccer teams. Anika is a Sophomore on the girls team, and Jake is a freshman on the boys team.

I'd like to express my support for **allowing** a limited number of spectators at fall sporting events. I think the spectators should be limited to the immediate family members of the players and staff. I think doing so can be done in a safe manner, and I believe doing so provides benefit to both the families of the players and the players themselves.

My suggestion would be that only the immediate family members of the players (those living in the same household) be allowed to attend the games. From February on, the strategy regarding the coronavirus has been to flatten the curve by limiting social connections wherever possible. By allowing household family members to attend games, no new social connections are being made. Household family members are already a part of the social networks of the players, and any possible transmission of the virus between households that may occur by being in the stands most likely would already occur within the team itself.

Also, by limiting spectators to household members, crowd sizes for outside fall sporting events would fall below the 250 maximum / 50% of facility capacity gathering limit, for at least every sport other than football – and possibly even for that sport. There will be plenty of space to allow for social distancing.

I would suggest for a sport like soccer or football where you have parents from both teams wanting to attend, that you open both the home and visitor sections and strictly require that visitor parents use the visitor stands. This would isolate the Keystone Oaks social connections and the visiting teams social connections from each other. This is different from past years for soccer, where the visiting stands have been closed during events.

Please take my opinion and thoughts under consideration. And, please support families attending fall events.

Sincerely,

Reid Loper

**Stropkaj, William**

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**From:** Jon Mussitsch  
**Sent:** Tuesday, September 8, 2020 1:20 PM  
**To:** Stropkaj, William  
**Subject:** Parents at HS sports for Board Meeting

Good Afternoon,

I have been following along with great interest the ongoing situation in regards to allowing spectators at school sponsored sporting events. I have been actively involved with local and state wide efforts to ensure that all of our children can first and foremost have a season this Fall, but also to make sure family and friends can attend our child's games or events. My son has been playing soccer since age six, and now after giving up countless weekends getting him to tournaments, coaching games and the like, I may actually not get to see him play because of what I consider to be pointless restrictions. We can easily social distance and wear masks at Dormont Stadium for any home soccer game, and should be allowed to attend especially when our numbers have been dwindling. I'm hoping that there is a plan in place already, and this has been already decided and worked out for our first home varsity soccer game on Monday. Just remember, we are these kids' biggest fans, and they want us there, whether it's to cheer them on, pick them up after a loss or be there in the unfortunate event something would happen on the field that required medical attention.

I know you and the rest of the Board will do the right thing in this case, and let us attend.

Jon Mussitsch  
KO Boys Soccer Booster President



## Stropkaj, William

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**From:** Stropkaj, William  
**Sent:** Tuesday, September 8, 2020 5:47 PM  
**To:** Stropkaj, William  
**Subject:** Fans at games

I was wondering where we are in regards to allowing parents to attending sporting events? Where are we with live streaming them? It is a difficult year for all involved in education as well as in athletics. I completely understand the better safe than sorry thought however we are talking about allowing parents of student athletes into a stadium to watch the games. There are so many aspects that we will miss out on this year (my son is a senior) and I feel that since it is outside and again we are adults allowing parents in would be acceptable at this time. We know the risks, can wear a mask, and socially distance ourselves. I was hard last week when the soccer team had their first scrimmage and I was told not to stand by the fence to watch. It was my son's last (EVER) scrimmage! I have taken him to so many soccer games since he was able to walk and now that this time in his life is almost over, I will be missing those last few memories that I so was looking forward to. There will be no next year or a do over. This is it for him. I have been involved in KO soccer for 7 years now ( even Booster president when my oldest was a senior) and for it to end like this is so heart breaking.

I am sure you are swamped with academic issues with just starting school (I totally get it as my district will start on Thursday) but please consider allowing parents in the stands for home games. We just want to be there for our kids!

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[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.newser.com%2f%3futm\\_source%3dpart%26utm\\_medium%3duol%26utm\\_campaign%3drss\\_taglines\\_more&c=E,1,ADpfAf8HYRLtSUGTOWFxc6DvgvLPjoeKwHTz1jHcz0wLYkkcykEbU8dOQgZv0jP2EpVm-OXSx38ucUVrfXyoxH7MH3PmojqogxgZYEAITWaCjLqc8V8y&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.newser.com%2f%3futm_source%3dpart%26utm_medium%3duol%26utm_campaign%3drss_taglines_more&c=E,1,ADpfAf8HYRLtSUGTOWFxc6DvgvLPjoeKwHTz1jHcz0wLYkkcykEbU8dOQgZv0jP2EpVm-OXSx38ucUVrfXyoxH7MH3PmojqogxgZYEAITWaCjLqc8V8y&typo=1)

Deputies Show Up After Boy Holds Toy Gun in Online Class

<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fthirdpartyoffers.juno.com%2fTGL3131%2f5f57fc2bc7b0f7c2b6d8ast03vuc1&c=E,1,waqaWpMCI9rs666tlf8GIHouLRIPsqVb8tzZRvFR3H4-8W4BUJq2Vtwv8MxhqjHzcQiea6XYBmk8Q8qPR5YuQOFpQzYZ-qpI9XMbfaRQgetggWFIYAWKSA,,&typo=1>

Cohen: Trump Hates Obama Because He's Black

[https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fthirdpartyoffers.juno.com%2fTGL3131%2f5f57fc2be88437c2b6d8ast03vuc2&c=E,1,L\\_IUsToqDtysdsug\\_wYRQ961zWN7HzoAN9ObfsbO1xsxO7vGpQ\\_zHIBIXjnmP66dHUiBMjkksZcwgfMziWQeWhzPA2dVTG3skQofoeyVwXKjKc8FC5m\\_snVn&typo=1](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fthirdpartyoffers.juno.com%2fTGL3131%2f5f57fc2be88437c2b6d8ast03vuc2&c=E,1,L_IUsToqDtysdsug_wYRQ961zWN7HzoAN9ObfsbO1xsxO7vGpQ_zHIBIXjnmP66dHUiBMjkksZcwgfMziWQeWhzPA2dVTG3skQofoeyVwXKjKc8FC5m_snVn&typo=1)

Newest COVID Relief Package Looks Doomed

[https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fthirdpartyoffers.juno.com%2fTGL3131%2f5f57fc2c14fe27c2b6d8ast03vuc3&c=E,1,jL8g9iRoAHTFQP8cv8NbM8ct86EYKfF1OXZLB2Ay3Oott\\_mboSkzuZoFukSkwnfGOiD63DZ-23gzVpDSRuWzEUNKCCE74IMQUX\\_M\\_I5t&typo=1](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fthirdpartyoffers.juno.com%2fTGL3131%2f5f57fc2c14fe27c2b6d8ast03vuc3&c=E,1,jL8g9iRoAHTFQP8cv8NbM8ct86EYKfF1OXZLB2Ay3Oott_mboSkzuZoFukSkwnfGOiD63DZ-23gzVpDSRuWzEUNKCCE74IMQUX_M_I5t&typo=1)

## **Stropkaj, William**

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**From:** William Stropkaj  
**Sent:** Tuesday, September 8, 2020 2:17 PM  
**To:** Stropkaj, William  
**Cc:** William Stropkaj  
**Subject:** THANK YOU! THANK YOU!

Hello, I am just writing to you and the school board today to say, Thank You. I know there is still a long road to go to get back to the way things used to be. Yet I cannot express enough the *appreciation* that I feel that the kids were given the option and able to attend school *in-person* today. Thanks for all your work towards this, these are not easy times.

-The Hennies Family

KEYSTONE OAKS SCHOOL DISTRICT

# Policy

# Guide



Policy No. 103

Section PROGRAMS

Title NONDISCRIMINATION/  
IN SCHOOL & CLASSROOM  
PRACTICES TITLE IX SEXUAL  
HARRASSMENT AFFECTING  
STUDENTS

Adopted AUGUST 21, 1989

Revised MARCH 20, 2018;  
JUNE 26, 2014;  
FEBRUARY 16, 1998

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 103</b> <b>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</b></p> <p style="text-align: center;"><b><del>THIS POLICY SHALL SUPERSEDE POLICY 248.</del></b></p> <p><b><u>Authority</u></b></p> <p>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, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.</p> <p>The Board also 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. Such discrimination shall be referred to throughout this policy 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.</p> <p>The District is committed strives to the maintain maintenance of</p>	<p>SC 1301-A, 1310, 1601-C et seq. Title-22 PA CodeSee: 4.4, 12.1.12.4, 15.1 et seq. 24 P.S. See: 5004 43 P.S. See: 951 et seq. 20 U.S.C. See: 1681 et seq. 29 U.S.C. See: 794 42 U.S.C. See: 2000d et seq., 12101 et seq., 1981 et seq. 34 CFR Part 106 Pol. 103.1, 218, 247, 249 U.S. Const. Amend.</p>
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a safe, positive learning environment for all students that is free from discrimination by providing all students course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexual 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, ~~on school grounds, at~~ district ~~school~~-sponsored programs or activities and including ~~on any conveyance providing~~ transportation to or from a school ~~entity~~ or school-sponsored activities.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences 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 the District's website.

The Board requires a notice stating that the District does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, person(s) in parental relation, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the District. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

Reports of Title IX Sexual Harassment and Other  
Discrimination and Retaliation

The Board encourages ~~A~~ students ~~and~~ ~~or~~ third parties who believes ~~they~~/~~he~~ or others ~~have~~s been subject to Title IX sexual harassment, other discrimination or retaliation ~~conduct by any students, employee, or third party that constitutes a violation of this policy is encouraged to immediately~~ promptly report such

XIV

Pol. 113.1, 218,  
233, 817

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~~the incidents to the building principal, even if some elements of the related incident took place or originated away from school grounds, 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. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the building principal.~~

The student's person(s) in parental relation or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.

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

~~The District shall provide to all students, without discrimination, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities. The District shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations. The Board encourages students and third parties who believe they or others have been subject to discrimination to promptly report such incidents to designated employees, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances.~~

The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) attached to this policy for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall

Pol. 806

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be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building principal shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual 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.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in 103-AR-2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 103-AR-3, or other Board policies.

~~The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct which may not be proven discriminatory under this policy, but merits review and possible action under other Board policies.~~

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in 103-AR-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.

When an emergency removal, as described in 103-AR-3, is

Pol. 113.1, 113.2,  
113.3, 233

Pol. 113.1, 113.2,

	<p style="text-align: center;"><b>POLICY NO. 103</b> <b><del>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</del>/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</b></p> <p>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 suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.</p> <p>When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. 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.</p> <p><u>Confidentiality</u></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a <del>report</del><b>complaint</b> and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the District’s legal and investigative obligations.</p> <p><u>Retaliation</u></p> <p>The Board prohibits retaliation by the District or any other person against any person for:</p> <ol style="list-style-type: none"> <li>1. Reporting or making a formal <del>complaint</del><b>report</b> of any form of discrimination or retaliation, including Title IX sexual harassment.</li> <li>2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.</li> <li>3. Acting in, <del>or</del> <b>opposition</b>ng to practices the person</li> </ol>	<p>218, 233</p> <p>20 U.S.C. 1232g 34 CFR 106.44, 106.45, 106.71 34 CFR Part 99</p> <p>34 CFR 106.71</p>
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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. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.

**Section 2**

**Definitions**

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

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

**Discrimination**

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.

**Discriminatory Harassment**

~~Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category or for participation in reports or investigations of alleged discrimination is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment, but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.~~

For purposes of this policy, **H**arassment is a form of

~~29 CFR Sec.  
1604.11, 1606.8  
526 U.S. 629  
(1999)  
503 U.S. 60 (1992)~~



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discrimination based on the protected classifications listed in this policy ~~shall~~ 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 ~~and which relates to an individual's or group's race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category~~ 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.

Definitions Related to Title IX Sexual Harassment

**Formal complaint** shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator 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.

34 CFR 106.30,  
106.45

**Supportive measures** shall mean nondisciplinary, nonpunitive individualized services offered 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

34 CFR 106.30

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where no formal complaint has been filed.

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:

1. Counseling
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Leaves of absence.
7. Increased security.
8. Monitoring of certain areas of the campus.
9. Assistance from domestic violence or rape crisis programs.
10. 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 or Board policy.

34 CFR 106.30

Pol. 103.1, 113,  
113.1, 113.2, 113.3

	<p style="text-align: center;"><b>POLICY NO. 103</b></p> <p style="text-align: center;"><b><del>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</del>/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS</b></p> <p><b>Title IX sexual harassment</b> means conduct on the basis of sex that satisfies one or more of the following:</p> <ol style="list-style-type: none"> <li>1. A district employee conditioning the provision of an aid, benefit, or district service on an individual’s participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.</li> <li>2. 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 education program or activity.</li> <li>3. Sexual assault, dating violence, domestic violence or stalking. <ol style="list-style-type: none"> <li>a. <b>Dating violence</b> 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: <ol style="list-style-type: none"> <li>i. Length of relationship.</li> <li>ii. Type of relationship.</li> <li>iii. Frequency of interaction between the persons involved in the relationship.</li> </ol> </li> <li>b. <b>Domestic violence</b> 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</li> </ol> </li> </ol>	<p>34 CFR 106.30</p> <p>34 U.S.C. 12291</p> <p>34 U.S.C. 12291</p>
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	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b><del>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARASSMENT AFFECTING STUDENTS</del></b></p> <p style="text-align: center;">domestic or family violence laws of the jurisdiction.</p> <p>c. <b>Sexual assault</b> 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.</p> <p>d. <b>Stalking</b>, 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:</p> <ul style="list-style-type: none"> <li>i. Fear for their safety or the safety of others.</li> <li>ii. Suffer substantial emotional distress.</li> </ul> <p>Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the 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 applies to all of a district’s education programs or activities, whether such programs or activities occur on-campus or off-campus.</p> <p><del>Sexual harassment is a form of discrimination on the basis of sex and is subject to this policy. For purposes of this policy, <b>sexual harassment</b> shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, nonverbal, written, graphic or physical conduct of a sexual nature when:</del></p> <ul style="list-style-type: none"> <li><del>1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's status in any educational or other programs offered by a school; or</del></li> </ul>	<p>20 U.S.C. 1092</p> <p>34 U.S.C. 12291</p> <p>34 CFR 106.30, 106.44, 106.45</p>
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- ~~2. Submission to or rejection of such conduct is used as the basis for educational or other program decisions affecting a student; or~~
- ~~3. Such conduct deprives a student or group of individuals of educational aid, benefits, services or treatment; or~~
- ~~4. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance in school or school-related programs, or otherwise creates an intimidating, hostile, or offensive school or school-related environment such that it unreasonably interferes with the complainant's access to or participation in school or school-related programs.~~

~~Federal law declares sexual violence a form of sexual harassment. **Sexual violence** means physical or sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes but is not limited to rape, sexual assault, sexual battery and sexual coercion.~~

**Section 3**

**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 Superintendent as the District's Compliance Officer. The title and authority may be delegated to an administrative member. However, in the event the title and authority is delegated to an administrative member, that member will always keep the Superintendent informed of complaints filed and investigations conducted. **The Board designates the Director of Pupil Services as the District's Title IX Coordinator.**

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

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~~notices or information shall include the position, the name, office address, telephone number and email address of the Compliance Officer designated in this policy.~~

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities ~~is responsible~~ to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the 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.
2. Training -- Provide ~~sion of~~ training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as ~~available~~ assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
4. 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.
5. District Support - Assure ~~ancee~~ that like aspects of the school programs and activities receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of ~~assessments tests,~~ procedures, and guidance and counseling materials for stereotyping and discrimination.

Pol. 150

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7. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved in managing informal and formal** ~~building principals or designee in processing~~ complaints.

The building principal or designee shall be responsible to promptly complete the following duties upon receipt of a report of discrimination or retaliation from a student, employee, or third party:

1. If the building principal is the subject of the complaint, refer the student to the Compliance Officer to carry out these responsibilities.
2. Inform the student or third party about this policy including the right to an investigation of both oral and written complaints of discrimination.
3. Obtain consent from **person(s) in parental relation**~~arents/guardians~~ to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform the **person(s) in parental relation**~~arents/guardians~~ and students who are complainants or accused of violating this policy that ~~they~~**s/he** may be accompanied by a **person in parental relation**~~arent/guardian~~ during all steps of the complaint procedure.
4. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
5. Immediately notify the Compliance Officer of the complaint. The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, the Compliance Officer or an attorney and shall promptly assign the

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investigation to that individual.

6. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.

**Section 4**

**Guidelines**

Title IX Sexual Harassment Training Requirements

The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment 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 prejudice 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



	<p style="text-align: center;"><b>POLICY NO. 103</b>  <b><del>NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES</del>/TITLE IX SEXUAL HARASSMENT AFFECTING STUDENTS</b></p> <p>that fairly summarize relevant evidence.</p> <p>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.</p> <p>All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.</p> <p><u>Disciplinary Consequences</u></p> <p>A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Loss of school privileges.</li> <li>2. Permanent transfer to another school building, classroom or school bus.</li> <li>3. Exclusion from school-sponsored activities.</li> <li>4. Detention.</li> <li>5. Suspension.</li> <li>6. Expulsion.</li> <li>7. Referral to law enforcement officials.</li> </ol> <p>An employee who violates this policy 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.</p> <p><u>Reports of Discrimination</u></p>	<p>Pol. 113.1, 218, 233</p> <p>Po. 817, 817.1</p>
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**POLICY NO. 103**  
**~~NONDISCRIMINATION IN SCHOOL AND~~**  
**~~CLASSROOM PRACTICES/TITLE IX SEXUAL~~**  
**HARRASSMENT AFFECTING STUDENTS**

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category shall follow the Discrimination Complaint Procedures in 103-AR-2 to this policy.

Reports of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 103-AR-3 to this policy.

**Step 1—Reporting**

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

~~A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal, as well as properly making any mandatory police or child protective services reports required by law.~~

~~If the building principal is the subject of a complaint, the student, third party, or employee shall report the incident directly to the Compliance Officer.~~

~~The complainant or reporting employee is encouraged to use the district's report form (103-AR-1) available on the district website, from the building principal or the administrative office, but oral complaints shall be accepted, documented and the procedure of this policy implemented. The person accepting the~~

Pol. 806

**POLICY NO. 103**  
**~~NONDISCRIMINATION IN SCHOOL AND~~**  
**~~CLASSROOM PRACTICES/TITLE IX SEXUAL~~**  
**~~HARRASSMENT AFFECTING STUDENTS~~**

~~verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.~~

**~~Step 2—Investigation~~**

~~Where an attorney is not used to conduct an investigation into a discrimination complaint, only individuals who have received basic training on the applicable law, this policy and how to conduct a proper investigation shall be authorized to conduct an investigation of a complaint made pursuant to this policy. The investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.~~

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

~~The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person 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. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the~~

Pol. 806, 862  
18 Pa. C.S.A. Sec.  
2709

**POLICY NO. 103**  
**~~NONDISCRIMINATION IN SCHOOL AND~~**  
**~~CLASSROOM PRACTICES/TITLE IX SEXUAL~~**  
**~~HARRASSMENT AFFECTING STUDENTS~~**

investigator.

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

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

**Step 3—Investigative Report**

~~The investigator shall prepare a written report to the Compliance Officer within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of investigation and the availability of witnesses required the investigator and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.~~

~~The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discriminatory harassment or sexual harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and~~

**POLICY NO. 103**  
**~~NONDISCRIMINATION IN SCHOOL AND~~**  
**~~CLASSROOM PRACTICES/TITLE IX SEXUAL~~**  
**~~HARRASSMENT AFFECTING STUDENTS~~**

~~pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.~~

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

**~~Step 4—District Action~~**

~~If the investigation results in a finding that some or all of the allegations of the complaint are established and constitutes a violation of this policy, the District shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs.~~

~~The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.~~

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

~~Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies, administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.~~

**~~Appeal Procedure~~**

~~1. If the complainant or the accused is not satisfied with a~~

**POLICY NO. 103**

**~~NONDISCRIMINATION IN SCHOOL AND CLASSROOM PRACTICES/TITLE IX SEXUAL HARRASSMENT AFFECTING STUDENTS~~**

~~finding made pursuant to the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.~~

~~2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.~~

~~3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused, and the investigator who conducted the investigation.~~

Previously Revised: March 20, 2018; June 26, 2014; February 16, 1998

References:

School Code – 24 P.S. Sec. 1301-A, 1310, 1610-C et seq.

State Board of Education Regulations – 22 PA Code Sec. 4.4, 12.1, 12.4, 15.1 et seq.

Unfair Education Practices – 24 P.S. Sec. 5004

Pennsylvania Human Relations Act – 43 P.S. Se. 951 et seq.

Section 504 of the Rehabilitation Act – 29 U.S.C Sec. 794.

Americans With Disabilities Act – 42 U.S.C Sec. 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws – 20 U.S.C. Sec. 1681 et seq. (Title IX), 42 U.S.C. Sec. 2000d et seq. (Title VI), 42 U.S.C. Sec. 1981 et seq.

**POLICY NO. 103**  
**~~NONDISCRIMINATION IN SCHOOL AND~~**  
**~~CLASSROOM PRACTICES/TITLE IX SEXUAL~~**  
**HARRASSMENT AFFECTING STUDENTS**

Federal Anti-Discrimination and Civil Rights Regulations – 29 CFR 1604.11, 1606.8

U.S. Const. Amend. XIV, Equal Protection Clause

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Office for Civil Rights – Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (January 2001)

Office for Civil Rights - Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability (Oct. 26, 2010)

Title 18 Crimes and Offenses – 18 Pa. C.S.A. 2709

Board Policy – 103.1, 218, 247, 249, 806, 862

**DISCRIMINATION/SEXUAL HARASSMENT/BULLYING/  
HAZING/DATING VIOLENCE/RETALIATION  
REPORT FORM**

The Board declares it to be the policy of this District to provide a safe, positive learning and working environment that is free from bullying, hazing, dating violence, sexual harassment and other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Name/Position: Suzanne Lochie-Director Pupil Services

Email: lochie@kosd.org

Phone Number: 412-571-6013

**Retaliation Prohibited**

The District, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

**Confidentiality**

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, Board policy, procedures, and the District's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the District has an obligation to investigate the information provided.

*Note: For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.*



**I. Information About the Person Making This Report:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

I am a:

Student     Parent/Guardian     Employee     Volunteer     Visitor

Other \_\_\_\_\_ (please explain relationship to the District)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:  Your Child     Another Student     A District Employee

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

**II. Information About the Person(s) You Believe is/are Responsible for the Bullying, Hazing, Harassing or Other Discrimination You are Reporting**

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

**The reported individual(s) is/are:**

Student(s)     Employee(s)

Other \_\_\_\_\_ (please explain relationship to the district)

### **III. Description of the Conduct You are Reporting**

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

Yes       No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of Person Making the Report

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

**FOR OFFICIAL USE ONLY**

*This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.*

*The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.*

*Upon receipt of the report, 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 as described in Policy 103 and 103-AR-3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.*

**I. Reporter Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

Reporter is a:

Student     Parent/Guardian     Employee     Volunteer     Visitor

Other \_\_\_\_\_ (please explain relationship to the District)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:    Reporter's Child     Another Student     Another Employee

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

**II. Respondent Information**

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

**The reported respondent(s) is/are:**

- Student(s)       Employee(s)
- Other \_\_\_\_\_ (please explain relationship to the District)

**III. Level of Report:**

- Informal       Formal (see additional information below on Title IX formal complaints)

**IV. Type of Report:**

- Title IX Sexual Harassment     Discrimination     Retaliation     Bullying
- Hazing       Dating Violence       Other \_\_\_\_\_

**Nature of the Report (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Age                          |
| <input type="checkbox"/> Color               | <input type="checkbox"/> Creed                        |
| <input type="checkbox"/> Religion            | <input type="checkbox"/> Sex                          |
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Sexual Harassment (Title IX) |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Ancestry                     |
| <input type="checkbox"/> Marital Status      | <input type="checkbox"/> Pregnancy                    |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Bullying                     |
| <input type="checkbox"/> Hazing              | <input type="checkbox"/> Dating Violence              |

**V. Reported Conduct**

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated?       Yes       No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

No.

Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: \_\_\_\_\_

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities or school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

## **VI. Safety Concerns**

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

No.

Yes, please describe:

## VII. Other Reports

Has the conduct been reported to the police or any other agency?

No

Yes      Date reported: \_\_\_\_\_ Agency: \_\_\_\_\_

## VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- Policy 247. Hazing
- Policy 252. Dating Violence
- Policy 256. Bullying
- Other \_\_\_\_\_

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a during a school program or activity involving a person in the United States?

Yes

No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

- A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual 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 education program or activity.
- Sexual assault, dating violence, domestic violence or stalking.

**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:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

**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.

**Sexual assault** means a sexual offense under a 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.

**Stalking** 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:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

### **IX. Recommended Course of Action**

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

- No further action at this time. Reason:
- Policy 247. Hazing
- Policy 252. Dating Violence
- Policy 256. Bullying
- Other \_\_\_\_\_
- Policy 103-AR-2 Discrimination Complaint Procedures



- Policy 104-AR-2 Discrimination Complaint Procedures
- Policy 103-AR-3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- Policy 104-AR-3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

#### **X. Title IX Information to Complainant**

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's person(s) in parental relation and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant/reporter, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the person(s) in parental relation could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's person(s) in parental relation.

4. Determine what supportive measures may be offered to the respondent.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

**XI. Title IX Coordinator Signature**

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

**XII. Title IX Formal Complaint Action**

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

Yes  No

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant's preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## DISCRIMINATION COMPLAINT PROCEDURES

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*The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category that do not constitute Title IX sexual harassment as defined in the Policy 103.*

*All reports of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 103-AR-3 for Title IX Sexual Harassment shall be followed.*

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All reports of discrimination and retaliation brought pursuant to the District's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Board policies. (Pol. 103.1, 218, 247, 252, 256)

### Definitions

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

**Respondent** shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.

**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.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

#### Reasonable Accommodations

Throughout the discrimination complaint procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 140, 240, 906)

#### Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 806, 817.1, 847)

#### Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

## **PROCEDURES FOR COMPLAINTS OF DISCRIMINATION**

### **Step 1 – Reporting**

A student or individual who believes they have been subject to discrimination by any student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) or by making a general report verbally or in writing to the building principal.

The person(s) in parental relation of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal.

A school employee who suspects or is notified that a student has been subject to discrimination shall immediately report the incident to the building principal. Additionally, employees who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy. (Pol. 806)

The building principal shall immediately notify the Title IX Coordinator and Compliance Officer of the reported discrimination.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Title IX Coordinator and/or Compliance Officer.

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1), however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1), and these procedures shall be implemented.

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1). 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.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint

Procedures prescribed in this Attachment(103-AR-2), or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 103-AR-3, or other applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this 103-AR-2 implemented.

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

## **Step 2 – Initial Communications/Supports**

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or designee shall seek to obtain consent from person(s) in parental relation to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform person(s) in parental relation of the complainant that the complainant may be accompanied by a person in parental relation during all steps of the complaint procedure. When a person in parental relation requests confidentiality and will not consent to the alleged victim's participation in an investigation, the building principal or designee shall explain that the school shall take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination that affects other students.

The building principal or Compliance Officer shall provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

### *Informal Remedies -*

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer 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 to the satisfaction of the parties, the District employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer if applicable.

The Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

\*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

### **Step 3 – Investigation**

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, another district employee, or an attorney and shall promptly assign the investigation to that individual. When a person in parental relation has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer shall provide the person in parental relation with a letter containing information related to the District's legal obligations to conduct an investigation and address violations of Board policy, and any other information appropriate to the specific complaint.

The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the 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, person(s) in parental relation and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

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

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

#### **Step 4 – Investigative Report**

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

The investigative 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 Board Policy 103 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.



The complainant and the respondent shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent shall not be notified of the individual remedies offered or provided to the complainant.

### **Step 5 – District Action**

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

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, 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. (Pol. 113.1, 218, 233, 247, 256)

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 817, 817.1)

### **Appeal Procedure**

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

## TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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*The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)*

*All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 103 Attachment (103-AR-2) regarding discrimination.*

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### Definitions

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the District, or to any employee of an elementary and secondary school, other than the respondent.

**Exculpatory evidence** means evidence tending to exonerate the accused or helps to establish their innocence.

**Inculpatory evidence** means evidence tending to incriminate the accused or indicate their guilt.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. 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.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy and the Code of Student Conduct when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Supportive measures** mean nondisciplinary, nonpunitive individualized services offered 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.

Supportive measures shall be designed to restore or preserve equal access to the education 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:

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Leaves of absence.
7. Increased security.
8. Monitoring of certain areas of the campus.
9. Assistance from domestic violence or rape crisis programs.
10. 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 or Board policy. (Pol. 103.1, 113, 113.1, 113.2, 113.3)

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

1. A District employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.

2. 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 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:
    - 1) Length of relationship.
    - 2) Type of relationship.
    - 3) 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.
  - c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
  - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
    - 1) Fear for their safety or the safety of others.
    - 2) 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 sexual harassment subject to Title IX regulations. An **education program or activity** includes the 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 PROCEDURES**

### General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) or by making a general report verbally or in writing to the building principal, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form(103-AR-1), and these procedures shall be implemented appropriately.

District staff who become aware of bullying, hazing, harassment or other discrimination affecting a student or staff member shall promptly report it to the building principal.

Person(s) in parental relation of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

When the District has actual knowledge of Title IX sexual harassment, the District is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

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.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a District program or activity under the control of the District and against a person in the United States.

3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Board policies or 103-AR-2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 247, 252, 256, 817, 817.1)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall contact the person(s) in parental relation and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

If the complainant, school staff or others with professional knowledge relating to the complainant's health and well-being indicate that notifying the person(s) in parental relation could cause serious harm to the health or well-being of the complainant or other person(s), the Title IX Coordinator will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold or delay notification of the report from the complainant's person(s) in parental relation.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If either party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216)

1. Individuals making a report or formal complaint.
2. Complainant(s).

3. Respondent(s).
4. Witnesses.

The District shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

*Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -*

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. 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.

When an emergency removal, as described below, 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 suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 113.3, 233)

When an emergency removal is not required, disciplinary sanctions will be considered in the course of the Title IX grievance process for formal complaints. 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. (Pol. 113.1, 113.2, 218, 233)

*Supportive Measures -*

All supportive measures provided by the District shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. (34 CFR 106.44)

When any party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, FBA or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior

violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

*Reasonable Accommodations –*

Throughout the Title IX sexual harassment procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 113, 140, 240)

*Emergency Removal –*

If the District has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the District's education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Board policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Board policy. When expulsion is necessary because continuation of educational services is not feasible, the Board's written adjudication of expulsion shall address the pending Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status. (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44 ; Pol. 103.1, 113.1, 233)

*Administrative Leave -*

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 817)

*Required Reporting Under Other Policies -*

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or



Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

### Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

### Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the District in a District program or activity.
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the District's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the District's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the District's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under the Code of Student Conduct and other Board policies or 103-AR-2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to the Code of Student Conduct and other Board policies or 103-AR-2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

#### Consolidation of Title IX Formal Complaints

The District may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

#### **Step 1 – Formal Complaint**

The District is required to initiate the grievance process for formal complaints when a complainant or the complainant's person in parental relation files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is an employee, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (103-AR-1) to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

### *Notice Requirements -*

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the person(s) in parental relation of known parties, where applicable, providing the following information:

1. Notice of the District's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the District's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the District decides to investigate during the course of the investigation.

### **Step 2 – Informal Resolution Process**

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process, which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, the District may not require the parties to participate in an informal resolution process.

Informal resolutions 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 supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
  - a. The allegations.
  - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within twenty (20) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the District employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the District's response was not deliberately indifferent to the reported complaint of sexual harassment.

**\*If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

### **Step 3 – Investigation**

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within twenty (20) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the District obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the District cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (Pol. 113.4, 207, 209, 216)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

However the District may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The District may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
  - a. Date.
  - b. Time.
  - c. Location.
  - d. Participants.
  - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the District

does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

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, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 806, 817.1)

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

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the District from addressing other identified violations of the Code of Student Conduct or Board policy. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints. A decision whether and when to take such action should be made in consultation with the school solicitor.

#### **Step 4 – Written Determination and District Action**

##### *Designation of Decision-Maker -*

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Director of Finance and Human Resources

If the Director of Finance and Human Resources has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

##### *Written Determination Submissions -*

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

##### *Written Determination -*

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the District's Code of Student Conduct or Board policies to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. Determination regarding responsibility.
  - b. Disciplinary sanctions.
  - c. Remedies designed to restore or preserve equal access to the District's education program or activity that will be provided by the District to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the District provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate district officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 817, 817.1)



## **Appeal Process**

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the District's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within 20 school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the Superintendent.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within five (5) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

### Recordkeeping

The District shall maintain the following records for a of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

KEYSTONE OAKS SCHOOL DISTRICT

# Policy

# Guide



Policy No. 104

Section PROGRAMS

Title ~~NONDISCRIMINATION IN EMPLOYMENT PRACTICES~~ / TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF

Adopted AUGUST 21, 1989

Last Revised ~~MARCH 20, 2018;~~  
~~JUNE 26, 2014;~~  
FEBRUARY 16, 1998

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 104</b> <b><del>NONDISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF IN EMPLOYMENT PRACTICES</del></b></p> <p style="text-align: center;"><b><del>THIS POLICY SHALL SUPERSEDE POLICY 848.</del></b></p> <p><b><u>Authority</u></b></p> <p>The Board declares it to be the policy of this District to provide to all persons equal access to all categories of employment in this District, regardless of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state law and regulations.</p> <p>The Board also 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. Such discrimination shall be referred to throughout this policy 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.</p>	<p>43 P.S. <del>See:</del> 336.3, 951 et seq. 34 CFR 106 20 U.S.C. Sec. 1681 et seq. 29 U.S.C. <del>See:</del> 206, 621 et seq., 794 42 U.S.C. <del>See:</del> 1981 et seq., 2000e et seq., 2000ff et seq., 12101 et seq. U.S. Const. Amend. XIV <del>Pol. 806, 817, 824</del></p>
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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 the District's website.

The Board requires a notice stating that the District does not discriminate in any manner, including Title IX sexual harassment, in any district education program or activity, to be issued to all students, parents/guardians, employment applicants, employees and all unions or professional organizations holding collective bargaining or professional agreements with the district. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator.

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages employees and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building principal or building administrator ~~designated employees~~.

If the building principal or building administrator is the subject of a complaint, the complainant or the individual making the report shall direct the report of the incident to the Title IX Coordinator.

The building principal or building administrator shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual 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.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most

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appropriately addressed through the Discrimination Complaint Procedures prescribed in 104-AR-2 to this policy, or if the reported circumstances meet the definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 104-AR-3, or other Board policies.

~~The Board directs that verbal and written complaints of discrimination shall be investigated promptly, and appropriate corrective action be taken when allegations are substantiated. The Board directs that any complaint of discrimination brought pursuant to this policy shall also be reviewed for conduct which may not be proven discriminatory under this policy, but merits review and possible action under other Board policies.~~

Disciplinary Procedures when Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in 104-AR-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.

*Administrative Leave –*

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

Confidentiality

<p><b>Section 2</b></p>	<p style="text-align: center;"><b>POLICY NO. 104</b>  <b>NONDISCRIMINATION/TITLE IX SEXUAL HARRASSMENT AFFECTING STAFF <del>IN</del> EMPLOYMENT PRACTICES</b></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a <del>report</del> <del>complaint</del>, and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, this policy, the attachments and the District’s legal and investigative obligations.</p> <p><u>Retaliation</u></p> <p>The Board prohibits retaliation by the District or any other person against any person for:</p> <ol style="list-style-type: none"> <li>1. Reporting or <del>-making</del> a formal complaint <del>report</del> of any form of discrimination or retaliation, including Title IX sexual harassment.</li> <li>2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.</li> <li>3. Acting in opposition, <del>-or opposing</del> to practices the person reasonably believes to be discriminatory.</li> </ol> <p>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 they believe retaliation has occurred. A complaint of retaliation shall be handled in the same manner as a complaint of discrimination.</p> <p><u>Definitions</u></p> <p><b>Complainant</b> shall mean an individual who is alleged to be the victim.</p> <p><b>Respondent</b> shall mean an individual alleged to be the perpetrator of the discriminatory conduct.</p> <p><u>Discrimination</u></p> <p><b>Discrimination</b> shall mean to treat individuals differently, or to</p>	<p>20 U.S.C. 1232g  34 CFR 106.44,  106.45, 106.71  34 CFR Part 99</p> <p>Pol. 817</p> <p><del>42 U.S.C. 2000ff et seq.  29 CFR 1604.11,  1606.8</del></p>
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harass or victimize based on a protected classification including race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.

**Discriminatory Harassment**

~~Harassment by students, employees or third parties on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category is a form of discrimination and is subject to this policy. A person who is not necessarily an intended victim or target of such harassment but is adversely affected by the offensive conduct may file a report of discrimination on his/her own behalf.~~

~~For purposes of this policy, H~~**harassment** is a form of discrimination based on the protected classifications listed in this policy~~shall~~ 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 work performance, including when: ~~and which relates to an individual's or group's race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category when such conduct is:~~

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee's status; or
2. Submission to or rejection of such conduct is used as the basis for employment-related decisions affecting an employee; or

42 U.S.C. 2000e et seq

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1. ~~\_\_\_\_\_ Sufficiently severe, persistent or pervasive; and~~

~~2.~~3. Such conduct is sufficiently severe, persistent or pervasive that ~~a~~<sup>A</sup> reasonable person in the complainant's position would find that it unreasonably interferes with the complainant's performance at work or otherwise creates an intimidating, hostile, or offensive ~~threatening or abusive~~ working environment such that it alters ~~deprives or adversely interferes~~ the complainant's working conditions ~~- 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.~~

Definitions Related to Title IX Sexual Harassment

**Formal complaint** shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator 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.

34 CFR 106.30, 106.45

**Supportive measures** shall mean nondisciplinary, nonpunitive individualized services offered 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.

34 CFR 106.30

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:

34 CFR 106.30



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1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

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

1. A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. 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 education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking.

34 CFR 106.30

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a. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:

34 U.S.C. 12291

- 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.

34 U.S.C. 12291

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.

20 U.S.C. 1092

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:

34 U.S.C. 12291

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- 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 sexual harassment under Title IX. An education program or activity includes the 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 applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

34 CFR 106.30,  
106.44, 106.45

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

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

**Section 3**

**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 Superintendent as the District's Compliance Officer. The title and authority may be delegated to

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an administrative member. In the event that the title and authority is delegated to an administrative member, the delegated administrator will notify the Superintendent when a complaint is filed and during the investigation, and will file a completed report with the Superintendent. The Board designates the Director of Pupil Services as the District's Title IX Coordinator.

~~The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public to notify them of where and how to initiate complaints under this policy. All nondiscrimination notices or information shall include the name, office address, telephone number and email address of the Compliance Officer designated in this policy.~~

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities ~~be responsible~~ to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the District's nondiscrimination procedures in the following areas, as appropriate:

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions, and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; district designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training- Provide ~~sion of~~ training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on

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resources available to alleged victims in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources including counseling resources.

4. **Reports/Formal Complaints** - Monitor and provide technical assistance to individuals involved in managing informal reports and formal ~~building principals or designees in processing~~ complaints.

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

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

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~~individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.~~

**Section 4**

**Guidelines**

Title IX Sexual Harassment Training Requirements

The Compliance Officer and Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment 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

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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.

Disciplinary Consequences

An employee who violates this policy 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.

Pol. 806, 817,  
817.1, 847

Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, creed, religion, sex, sexual orientation, ancestry, genetic information, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in 104-AR-2 to this policy.

Reports of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 104-AR-3 to this policy.

~~Complaint Procedure—Employee/Third Party~~

**~~Step 1—Reporting~~**

~~An employee or third party who believes s/he has been subject to conduct by any student, employee, or third party that~~

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**HARRASSMENT AFFECTING STAFF IN**  
**EMPLOYMENT PRACTICES**

~~constitutes a violation of this policy is encouraged to immediately report the incident to the building principal or the employee's supervisor. Any person with knowledge of conduct which may violate this policy, is encouraged to immediately report the matter to the building principal or supervisor.~~

~~If the building principal or supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer. The complainant or reporting employee is encouraged to use the report form (104-AR-1) available on the district website, from the building principal or the administrative office, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.~~

**Step 2—Investigation**

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

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

~~The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation. When the initial~~



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~~complaint involves allegations relating to conduct which took place outside of school or school-sponsored activities, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.~~

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

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

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

**Step 3—Investigative Report**

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

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~~will be completed and of any changes to the anticipated due date during the course of the investigation.~~

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

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

**Step 4—District Action**

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

~~If an investigation results in a finding that a different law or Board policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the~~

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~~conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.~~

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

Appeal Procedure

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

Previously Revised: March 20, 2018; June 26, 2014; February 16, 1998

References:

Pennsylvania Equal Pay Law – 43 P.S. Sec. 336.3

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Pennsylvania Human Relations Act – 43. P.S. Sec. 951 et seq.

Equal Pay Act – 29 U.S.C. Sec. 206

Age Discrimination in Employment Act – 29 U.S.C. Sec. 621 et seq.

Section 504 of Rehabilitation Act – 29 U.S.C. Sec. 794

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws – 20 U.S.C. Sec. 1681 et seq., 42 U.S.C. Sec. 1981 et seq., 42 U.S.C. Sec. 2000e et seq., 42 U.S.C. 2000ff et seq.

Federal Anti-Discrimination and Civil Rights Regulations – 29 CFR 1604.11, 1606.8

U.S. Const. Amend. XIV, Equal Protection Clause

EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993

EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999

EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990

Board Policy – 806, 817, 824

**DISCRIMINATION/SEXUAL  
HARASSMENT/RETALIATION  
REPORT FORM**

The Board declares it to be the policy of this District to provide a safe, positive learning and working environment that is free from sexual harassment, other discrimination, and retaliation. If you have experienced, or if you have knowledge of, any such actions, we encourage you to complete this form. The Title IX Coordinator will be happy to support you by answering any questions about the report form, reviewing the report form for completion and assisting as necessary with completion of the report. The Title IX Coordinator's contact information is:

Name/Position: Suzanne Lochie-Director Pupil Services

Email: lochie@kosd.org

Phone Number: 412-571-6013

**Retaliation Prohibited**

The District, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

**Confidentiality**

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with Board policy, procedures, and the District's legal and investigative obligations. The school will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school from responding effectively to the report. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX Coordinator prior to filing the report. Once this report is filed, the District has an obligation to investigate the information provided.

***Note:** For purposes of Title IX sexual harassment, this Report Form serves initially as an informal report, not a formal complaint of Sexual Harassment under Title IX.*

**I. Information About the Person Making This Report:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Assigned School Building: \_\_\_\_\_

I am a:

- Employee    Volunteer    Visitor  
 Other \_\_\_\_\_ (please explain relationship to the District)

If you are not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:    Another Employee    Student

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

**II. Information About the Person(s) You Believe is/are Responsible for the Harassing or Other Discrimination You are Reporting**

What is/are the name(s) of the individual(s) you believe is/are responsible for the conduct you are reporting?

Name(s):

**The reported individual(s) is/are:**

- Student(s)       Employee(s)  
 Other \_\_\_\_\_ (please explain relationship to the District)

### **III. Description of the Conduct You are Reporting**

In your own words, please do your best to describe the conduct you are reporting as clearly as possible. Please attach additional pages if necessary:

When did the reported conduct occur? (Please provide the specific date(s) and time(s) if possible):

Where did the reported conduct take place?

Please provide the name(s) of any person(s) who was/were present, even if for only part of the time.

Please provide the name(s) of any other person(s) that may have knowledge or related information surrounding the reported conduct.

Have you reported this conduct to any other individual prior to giving this report?

Yes       No

If yes, who did you tell about it?

If you are the victim of the reported conduct, how has this affected you?

I affirm that the information reported above is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
Signature of Person Making the Report

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date



**FOR OFFICIAL USE ONLY**

*This section is to be completed by the Title IX Coordinator based on reviewing the report with the complainant or other individual making the report.*

*The purpose of this form is to assist the Title IX Coordinator in gathering information necessary to properly assess the circumstances surrounding the reported conduct to determine if the allegations fall under the definition of Title IX sexual harassment or if the matter merits review and action under the Code of Student Conduct and/or other Board policies. The Title IX Coordinator shall gather as much information as possible in cases of incomplete or anonymous reports (including those that may be received through the Safe2Say Something program) to assess the report.*

*Upon receipt of the report, 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 as described in Policy 104 and 104-AR-3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.*

**I. Reporter Information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

School Building: \_\_\_\_\_

Reporter is a:

Employee    Volunteer    Visitor

Other \_\_\_\_\_ (please explain relationship to the District)

If the reporter is not the victim of the reported conduct, please identify the alleged victim:

Name: \_\_\_\_\_

The alleged victim is:    Another Employee    Student

Other: \_\_\_\_\_ (please explain relationship to the alleged victim)

## II. Respondent Information

Please state the name(s) of the individual(s) believed to have conducted the reported violation:

Name(s):

**The reported respondent(s) is/are:**

- Student(s)       Employee(s)
- Other \_\_\_\_\_ (please explain relationship to the District)

## III. Level of Report:

- Informal       Formal (see additional information below on Title IX formal complaints)

## IV. Type of Report:

- Title IX Sexual Harassment       Discrimination       Retaliation       Other \_\_\_\_\_

## Nature of the Report (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Race                | <input type="checkbox"/> Age                 |
| <input type="checkbox"/> Color               | <input type="checkbox"/> Creed               |
| <input type="checkbox"/> Religion            | <input type="checkbox"/> Sex                 |
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Sexual Harassment   |
| <input type="checkbox"/> National Origin     | <input type="checkbox"/> Ancestry            |
| <input type="checkbox"/> Marital Status      | <input type="checkbox"/> Pregnancy           |
| <input type="checkbox"/> Handicap/Disability | <input type="checkbox"/> Genetic Information |

## V. Reported Conduct

Describe the reported conduct below, including specific actions, dates, times, locations and any other details necessary to properly assess the reported incident(s).

How often did the conduct occur?

Is it being repeated?       Yes       No

Do the circumstances involve a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act?

No.

Yes, please identify the student with a disability and contact the Director of Special Education.

Date Director of Special Education was contacted: \_\_\_\_\_

How has the conduct affected the alleged victim's ability to fully participate in the school's academic, programs, activities in the course of school employment?

What is the alleged victim's relationship with the alleged respondent?

Insert names, descriptions, and/or contact information of individuals believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or related circumstances.

Additional observations or evidence including pictures, texts, emails, video or other information submitted to the Title IX Coordinator.

## **VI. Safety Concerns**

Are there safety concerns that may require Emergency Removal of or Administrative Leave for a respondent? (This requires an individualized safety and risk analysis as to whether there is an immediate threat to the physical health or safety of a student or other individual.)

No.

Yes, please describe:

## VII. Other Reports

Has the conduct been reported to the police or any other agency?

No

Yes      Date reported: \_\_\_\_\_ Agency: \_\_\_\_\_

## VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students

Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff

Other \_\_\_\_\_

To meet the definition of Title IX sexual harassment, the conduct must have taken place during a district education program or activity involving a person in the United States. An **education program or activity** includes the locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Title IX applies to all of a district's education programs or activities, whether such programs or activities occur on-campus or off-campus.

Did the incident occur during a during a school program or activity involving a person in the United States?

Yes

No

To meet the definition of Title IX sexual harassment, the conduct needs to satisfy one or more of the following (please check all that apply):

A district employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual 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 education program or activity.

Sexual assault, dating violence, domestic violence or stalking.

**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:

- Length of relationship.
- Type of relationship.
- Frequency of interaction between the persons involved in the relationship.

**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.

**Sexual assault** means a sexual offense under a 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.

**Stalking** 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:

1. Fear for their safety or the safety of others.
2. Suffer substantial emotional distress.

### **IX. Recommended Course of Action**

After consultation with the complainant and consideration of the reported information, the Title IX Coordinator directs the report to proceed under the provisions of (check all that apply):

- No further action at this time. Reason:
- Policy 104-AR-2 Discrimination Complaint Procedures
- Policy 104-AR-3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- Other \_\_\_\_\_

### **X. Title IX Information to Complainant**

What supportive measures were discussed with the complainant, and what were the complainant's wishes with respect to supportive measures?

Upon designating a course of action under Title IX sexual harassment, the Title IX Coordinator will promptly:

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. Determine what supportive measures may be offered to the respondent.
4. Determine whether the complainant wishes this report to be treated as a formal complaint.

### **XI. Title IX Coordinator Signature**

I recommend the above course of action based on my consultation with the complainant and the information available at this time.

Title IX Coordinator: \_\_\_\_\_

Date: \_\_\_\_\_

### **XII. Title IX Formal Complaint Action**

The Title IX Coordinator shall have the complainant check the appropriate box and sign and date below to indicate whether or not the complainant wishes to have this form serve as a formal complaint pursuant to Title IX.

I would like my report to be treated as a formal complaint pursuant to Title IX.

Yes  No

Complainant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the complainant does not wish this report to be treated as a formal complaint pursuant to Title IX, the Title IX Coordinator must assess whether actions limited to supportive measures are a sufficient response to alleged behavior, or whether a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. The Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

As Title IX Coordinator, I have determined that, notwithstanding the complainant’s preference, it is necessary to proceed with the Grievance Process for Formal Complaints for the following reasons:

Therefore, I am signing this form for the purpose of serving as the formal complaint initiating that process:

Title IX Coordinator’s Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## DISCRIMINATION COMPLAINT PROCEDURES

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*The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category that do not constitute Title IX sexual harassment as defined in Policy 104.*

*All reports of discrimination shall be reviewed by the Title IX Coordinator upon receipt to determine if the allegations meet the definition and parameters of sexual harassment under Title IX. If the result of this review determines that the allegations fall within the scope of Title IX sexual harassment, then the process set forth in Policy 104-AR-3 for Title IX Sexual Harassment shall be followed.*

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All reports of discrimination and retaliation brought pursuant to the District’s discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 104 but merits review and possible action under other Board policies or the Code of Student Conduct for students. (Pol. 103.1, 218, 817)

### Definitions

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

**Respondent** shall mean an individual who has been reported to be the perpetrator of the alleged conduct.

**Discrimination** shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, marital status, genetic information, pregnancy, handicap/disability, limited English proficiency, or any other legally protected category.

**Harassment** is a form of discrimination based on the protected classifications listed in the 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 work performance, including when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an employee’s status; or



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

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices.

#### Reasonable Accommodations

Throughout the discrimination complaint procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 906)

#### Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building principal, building administrator or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 817.1, 805.1, 806, 847)

#### Timeframes

Reasonably prompt timeframes shall be established for completing each step of the discrimination complaint procedures, including timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

## **PROCEDURES FOR COMPLAINTS OF DISCRIMINATION**

### **Step 1 – Reporting**

An employee or individual who believes they have been subject to discrimination by any district student, employee or third party is encouraged to immediately report the incident to the building principal using the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1) or by making a general report verbally or in writing to the building principal or building administrator. 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.

If a student is identified as a party in the report, person(s) in parental relation have the right to act on behalf of the student at any time.

Any person with knowledge of discrimination in violation of Board policy or this procedure is encouraged to immediately report the matter to the building principal or building administrator.

The building principal or building administrator shall immediately notify the Title IX Coordinator and Compliance Officer of the reported discrimination.

If the building principal or building administrator is the subject of a complaint, the person making the report shall report the incident directly to the Title IX Coordinator and/or Compliance Officer.

The complainant or reporting individual shall be encouraged to use the Discrimination/Sexual Harassment/Retaliation Report Form(104-AR-1), however, complaints shall be accepted in person, by telephone, by mail or email, or by any other means that results in the appropriate individual receiving the individual's verbal or written report. Verbal reports shall be documented using the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1), and these procedures shall be implemented.

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1). 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.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this 104-AR-2, or if the reported circumstances meet the definition and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in 104-AR-3, or other applicable Board policies.

If the Title IX Coordinator determines that the report should be addressed through the discrimination complaint procedures, the Compliance Officer shall be notified and the complaint procedures in this 104-AR-2 implemented.

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken for the party, while the discrimination complaint procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

## **Step 2 – Initial Communications/Supports**

The complainant shall be informed about the Board's policy on discrimination, including the right to an investigation of both verbal and written reports of discrimination.

The building principal, building administrator or designee, in consultation with the Compliance Officer, Title IX Coordinator and other appropriate individuals, shall promptly implement appropriate measures to protect the complainant and others as necessary from violation of the policy throughout the course of the investigation.

The building principal, building administrator or designee may provide to the complainant factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or respondent.

The building principal or Compliance Officer shall provide relevant information on resources available in addition to the discrimination complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.

### *Informal Remedies -*

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer 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, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or other measures to support the parties.

If the matter is resolved to the satisfaction of the parties, the District employee facilitating the informal remedies shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation to indicate agreement with the resolution and receive a copy, and forward it to the Compliance Officer.

The Compliance Officer shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies, and shall document all appropriate actions.

\*If the informal remedies result in the final resolution of the complaint, the following steps are not applicable.

### **Step 3 – Investigation**

The Compliance Officer shall assess whether the investigation should be conducted by the building principal, building administrator another district employee, or an attorney and shall promptly assign the investigation to that individual.

The Compliance Officer shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination and retaliation issues and Board policy, and how to conduct investigations and draft an investigative report.

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

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the respondent may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the 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, person(s) in parental relation, if applicable, and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

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

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

#### **Step 4 – Investigative Report**

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

The investigative 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 Board Policy 104 and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Board policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the respondent shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written investigative report, to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The respondent shall not be notified of the individual remedies offered or provided to the complainant.

#### **Step 5 – District Action**

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

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 104 or these procedures, 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. (Pol. 113.1, 218, 233, 817)

Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct for students, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 817, 817.1)

### **Appeal Procedure**

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures or with recommended corrective action, they may submit a written appeal to the Compliance Officer within fifteen (15) school days of receiving notification of the outcome of the investigation.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days.

Copies of the response shall be provided to the complainant, the respondent and the investigator who conducted the initial investigation.

## TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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*The Title IX sexual harassment procedures and grievance process for formal complaints prescribed in this attachment apply only when a report includes allegations of sexual harassment subject to Title IX regulations. (34 CFR 106.44, 106.45)*

*All other reports or complaints of discrimination or retaliation shall follow the complaint procedures established in Policy 103-AR-2 regarding discrimination.*

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### Definitions

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any district official who has the authority to institute corrective measures on behalf of the District, or to any employee of an elementary and secondary school, other than the respondent.

**Exculpatory evidence** means evidence tending to exonerate the accused or helps to establish their innocence.

**Inculpatory evidence** means evidence tending to incriminate the accused or indicate their guilt.

**Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the District investigate the allegation. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator the complainant or other party during the grievance process. 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.

**Retaliation** shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report conduct that may constitute discrimination or harassment, including Title IX sexual harassment, in accordance with Board policy and procedures, participate in an investigation or other process addressing discrimination or Title IX sexual harassment, or act in opposition to discriminatory practices.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.
2. The assignment of consequences consistent with Board policy when an individual knowingly makes a materially false statement in bad faith in an investigation. The fact that the charges of discrimination were unfounded or unsubstantiated shall not be the sole reason to conclude that any party made a materially false statement in bad faith.

**Supportive measures** mean nondisciplinary, nonpunitive individualized services offered 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.

Supportive measures shall be designed to restore or preserve equal access to the education 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:

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work locations.
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

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

1. A District employee conditioning the provision of an aid, benefit, or district service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. 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 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:
  - 1) Length of relationship.
  - 2) Type of relationship.
  - 3) 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.
- c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
  - 1) Fear for their safety or the safety of others.
  - 2) 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 sexual harassment subject to Title IX regulations. An **education program or activity** includes the 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 PROCEDURES**

### General Response – (with or without a formal complaint)

Any person, whether the alleged victim or not, may report Title IX sexual harassment using the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1) or by making a general report verbally or in writing to the building principal or building administrator, or by using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Upon receipt of a report, school staff shall immediately notify the building principal or building administrator.

A report may be made at any time, including during nonbusiness hours. Verbal reports shall be documented by the Title IX Coordinator or employee receiving the report using the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1), and these procedures shall be implemented appropriately.

District staff who become aware of harassment or other discrimination affecting a staff member shall promptly report it to the building principal or building administrator.

If a student is identified as a party in the report, person(s) in parental relation have the right to act on behalf of the student at any time.

When the District has actual knowledge of Title IX sexual harassment, the District is required to respond promptly and in a manner that is not deliberately indifferent, meaning not clearly unreasonable in light of the known circumstances.

All sexual harassment reports and complaints received by the building principal or building administrator shall be promptly directed to the Title IX Coordinator, in accordance with Board policy. The Title IX Coordinator shall use the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1) to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

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.

The Title IX Coordinator shall initially assess whether the reported conduct:

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a District program or activity under the control of the District and against a person in the United States.

3. Involves other Board policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 317, 317.1)

If the result of the initial assessment determines that the allegations may constitute Title IX sexual harassment, the Title IX Coordinator shall promptly explain to the complainant the process for filing a formal complaint and inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.

The Title IX Coordinator shall also determine what supportive measures may be offered to the respondent.

If any party is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Board policy. (Pol. 113, 113.1, 113.2, 113.3)

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.4, 216, 324)

1. Individuals making a report or formal complaint.
2. Complainant(s).
3. Respondent(s).
4. Witnesses.

The District shall treat complainants and respondents equitably by:

1. Offering supportive measures to the complainant and may offer such measures to the respondent.
2. Following the grievance process for formal complaints before imposing disciplinary sanctions or other actions that are not supportive measures on the respondent.

### *Supportive Measures -*

All supportive measures provided by the District shall remain confidential, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. (34 CFR 106.44)

When a party is an identified student with a disability, or thought to be a student with a disability, the Title IX Coordinator shall notify the Director of Special Education and coordinate to determine whether additional steps must be taken as supportive measures for the party while the Title IX procedures are implemented. Such measures may include, but are not limited to, conducting a manifestation determination, functional behavioral assessment (FBA) or other assessment or evaluation, in accordance with applicable law, regulations or Board policy. FBAs must be conducted when a student's behavior interferes with the student's learning or the learning of others and information is necessary to provide appropriate educational programming, and when a student's behavior violates the Code of Student Conduct and is determined to be a manifestation of a student's disability. (Pol. 113, 113.1, 113.2, 113.3)

### *Reasonable Accommodations –*

Throughout the Title IX sexual harassment procedures, the District shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, consistent with the requirements of federal and state laws and regulations and Board policy. (Pol. 103.1, 104, 113, 906)

### *Employee Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -*

When reports allege Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints. 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.

### *Administrative Leave –*

When an employee, based on an individualized safety and risk analysis, poses an immediate threat to the health or safety of any student or other individual, the employee may be removed on an emergency basis.

An accused, nonstudent district employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Board policy and an applicable collective bargaining agreement or individual contract.

### *Required Reporting Under Other Policies -*

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Board policies, is also appropriately addressed in accordance with the applicable laws, regulations or Board policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 317.1, 805.1, 806, 847)

### Timeframes

Reasonably prompt timeframes shall be established for the conclusion of the grievance process for formal complaints, including timeframes for the informal resolution process and timeframes for filing and resolving appeals.

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent, and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

1. The absence of a party, a party's advisor or a witness.
2. Concurrent law enforcement activity.
3. Need for language assistance or accommodation of disabilities.

### Redirection or Dismissal of Title IX Formal Complaints

Formal complaints may be dismissed, if at any time during the investigation or written determination steps described below:

1. A complainant provides written notification of withdrawal of any allegations or of the formal complaint.
2. The respondent is no longer enrolled or employed by the District in a District program or activity.
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Only alleged conduct that occurred in the District's education program or activity, and against a person in the United States, may qualify as Title IX sexual harassment within the District's jurisdiction. If it is determined during the investigation or written determination steps below that none of the allegations, if true, would meet the definition and parameters of Title IX sexual harassment within the District's jurisdiction, the Title IX Coordinator shall dismiss the formal complaint under Title IX. If the matter merits review and possible action under other Board

policies, the Code of Student Conduct or 104-AR-2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations.

Written notification shall be promptly issued to the parties simultaneously of any allegations found not to qualify or that are dismissed in compliance with Title IX. Written notification shall state whether the allegations will continue to be addressed pursuant to other Board policies, the Code of Student Conduct or Attachment 2 addressing Discrimination Complaints.

A dismissal may be appealed via the appeal procedures set forth in this Attachment.

### Consolidation of Title IX Formal Complaints

The District may consolidate formal complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) individual against another individual, where the allegations of sexual harassment arise out of the same facts or circumstances.

## **GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

### **Step 1 – Formal Complaint**

The District is required to initiate the grievance process for formal complaints when a complainant files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when actions limited to supportive measures are not a sufficient response to alleged behavior, or when a formal complaint process is necessary to investigate and address the situation adequately. For example, if disciplinary action would be warranted if allegations are true, if the respondent is a supervisor, or if further investigation is needed to assess the extent of the behavior and impact on others, it may be clearly unreasonable not to initiate the formal complaint process. Only the Title IX Coordinator is authorized to initiate the formal complaint process despite a complainant's wishes, but the Title IX Coordinator may consult with the school solicitor and other district officials in making this decision.

The complainant or the Title IX Coordinator shall use the designated section of the Discrimination/Sexual Harassment/Retaliation Report Form (104-AR-1) to file or sign a formal complaint.

The Title IX Coordinator shall assess whether the investigation should be conducted by the building principal, another district employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

The Title IX Coordinator, investigator, decision-maker, or any individual designated to facilitate the informal resolution process, each must have completed the required training for such roles as designated in Board policy and shall not have a conflict of interest or bias for or against an individual complainant or respondent, or for or against complainants or respondents in general.

The respondent shall be presumed not responsible for the alleged conduct until a written determination regarding responsibility has been made at the conclusion of the grievance process for formal complaints.

*Notice Requirements -*

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the person(s) in parental relation of known parties, if applicable, providing the following information:

1. Notice of the District's grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identity of the parties involved, if known.
  - b. The conduct allegedly constituting sexual harassment.
  - c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
5. Notice that Board policy and the District's Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to school officials in connection with reports of misconduct or discrimination complaints.
6. Notice to all known parties of any additional allegations that the District decides to investigate during the course of the investigation.

**Step 2 – Informal Resolution Process**

At any time after a formal complaint has been filed, but prior to reaching a determination of responsibility, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process,

which does not involve a full investigation and adjudication of the Title IX sexual harassment complaint.

The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal Title IX sexual harassment complaints. Similarly, a District may not require the parties to participate in an informal resolution process.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or supportive measures.

When offering an informal resolution process, the Title IX Coordinator shall:

1. Provide the parties a written notice disclosing the following:
  - a. The allegations.
  - b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
3. The informal resolution process shall be conducted within twenty (20) school days of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the District employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within twenty (20) school days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the District's response was not deliberately indifferent to the reported complaint of sexual harassment.



**\*If Step 2 Informal Resolution Process results in the final resolution of the complaint, the following steps are not applicable.**

### **Step 3 – Investigation**

The designated investigator, if other than the Title IX Coordinator, shall work with the Title IX Coordinator to assess the scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. The investigation stage shall be concluded within twenty (20) school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the District obtains the voluntary, written consent of the party, or the party's person in parental relation when legally required, the District cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (For students - Pol. 113.4, 207, 209, 216)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

However the District may request a nondisclosure agreement be signed by the parties and their advisor(s), if any, stating that they will not disseminate or disclose evidence and documents exchanged in the investigation.

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The District may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
  - a. Date.

- b. Time.
  - c. Location.
  - d. Participants.
  - e. Purpose of all investigative interviews or other meetings.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the District does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

If at any point the investigation expands to include additional allegations that were not included in the initial notice provided upon initiation of the grievance process for formal complaints, the investigator shall alert the Title IX Coordinator. The Title IX Coordinator shall provide written notice of the new allegations to the known parties.

Prior to the completion of the investigative report, the investigator shall:

1. Send to each party and the party's advisor, if any, the evidence subject to inspection and review in electronic or hard copy format.
2. Provide the parties at least ten (10) school days following receipt of the evidence to submit a written response.
3. Consider the written response prior to drafting the investigative report.

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker.

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, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Board policy. (Pol. 218, 817.1, 805.1, 806)

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

In the course of an investigation, it is possible that conduct other than, or in addition to, Title IX sexual harassment may be identified as part of the same incident or set of circumstances. The fact that there may be Title IX sexual harassment involved does not preclude the District from addressing other identified violations of Board policy or the Code of Student Conduct. If such other conduct is being investigated and addressed together with Title IX sexual harassment as part of the Title IX grievance process for formal complaints, disciplinary action normally should not be imposed until the completion of the Title IX grievance process for formal complaints; however, an employee may be placed on administrative leave in accordance with the provisions of this Attachment. A decision whether and when to take disciplinary action should be made in consultation with the school solicitor.

#### **Step 4 – Written Determination and District Action**

##### *Designation of Decision-Maker -*

To avoid any conflict of interest or bias, the decision-maker cannot be the same person as the Title IX Coordinator or the investigator. The responsibility as the decision-maker for complaints of Title IX sexual harassment shall generally be designated to the Director of Finance and Human Resources.

If the Director of Finance and Human Resources has a conflict of interest or is a party in the formal complaint process, they shall disclose the conflict and the Title IX Coordinator shall designate another individual to serve as the decision-maker.

##### *Written Determination Submissions -*

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within five (5) school days following receipt of the investigative report. Follow-up questions must be submitted by each party within five (5) school days of being provided the answers to the initial questions.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as part of the follow-up questions and responses, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker shall explain to the party proposing the questions about any decision to exclude a question as not relevant.

*Written Determination -*

The decision-maker must issue a written determination for the conduct alleged in formal complaints. To reach this determination, the decision-maker shall apply the preponderance of the evidence standard, meaning that the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

In considering evidence, the decision-maker shall ensure credibility determinations are not based on an individual's status as a complainant, respondent or witness.

After considering all relevant evidence, the decision-maker shall issue a written determination that includes:

1. Identification of the allegations potentially constituting Title IX sexual harassment.
2. A description of the procedural steps taken from the receipt or signing of the formal complaint through the written determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the District's Board policies or Code of Student Conduct to the facts.
5. A statement of, and rationale for, the result as to each allegation, including:
  - a. Determination regarding responsibility.
  - b. Disciplinary sanctions.
  - c. Remedies designed to restore or preserve equal access to the District's education program or activity that will be provided by the District to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

The written determination shall be provided to the parties simultaneously. The determination becomes final either:

1. On the date that the District provides the parties with the written decision of the result of the appeal, if an appeal is filed;
2. Or, if an appeal is not filed, on the date on which an appeal would no longer be considered timely, in accordance with the timeframe established for appeals in this Attachment.

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate District officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with Board policies and administrative regulations, the Code of Student Conduct, district procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 817, 817.1)

### **Appeal Process**

Districts must offer both parties the right to appeal a determination of responsibility and the right to appeal the District's dismissal of a Title IX formal complaint or any allegation in the Title IX formal complaint. The scope of appeals related to Title IX sexual harassment are limited to the following reasons for appeal as stated in the Title IX regulations:

1. A procedural irregularity that affected the outcome of the matter.
2. New evidence that that could affect the outcome was not reasonably available at the time the decision to dismiss or determination of responsibility was made.
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the individual complainant or respondent or for or against complainants or respondents generally that affected the outcome of the matter.

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within 20 school days after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

The Title IX Coordinator shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the determination, the investigator, or the Title IX Coordinator. The designated appeal authority shall be the Superintendent.

For all appeals, the designated appeal authority shall:

1. Provide written notice to the other party when notice of an appeal is filed and implement appeal procedures equally for both parties.
2. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal. Supporting statements shall describe in detail as applicable the procedural irregularities asserted to have affected the outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome was affected by such factors. If evidence exists supporting the basis for appeal, it shall accompany the supporting statement, or it shall identify where such evidence may be found.

Supporting statements must be submitted to the appeal authority and provided to the other party within five (5) school days of the written notice of appeal.

Statements in opposition to the appeal shall be submitted within five (5) school days of the submission of supporting statements. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or it shall identify where such evidence may be found.

The appeal authority may accept and consider evidence in support of or in opposition to an appeal in making any conclusions necessary to deciding the appeal. Alternatively, when the appeal authority determines that factors exist making it necessary for the decision-maker to further develop the evidentiary record relevant to the basis for appeal, the appeal authority may return the matter to the decision-maker for that limited purpose.

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within twenty (20) school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

### Recordkeeping

The District shall maintain the following records for a period of a minimum of seven (7) years after conclusion of procedures and implementation of disciplinary sanctions and/or remedies, or in the case of a complainant or respondent who is a minor, until the expiration of the longest statute of limitations for filing a civil suit applicable to any allegation:

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any district actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and

document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

# Policy Guide



Policy No. 247

Section PUPILS

Title HAZING

Adopted AUGUST 15, 2017

Last Revised \_\_\_\_\_

	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p style="text-align: center;"><del><b>THIS POLICY SHALL SUPERSEDE POLICY 257.</b></del></p> <p><b>Section 1</b>     <u><b>Purpose</b></u></p> <p>The purpose of this policy is to maintain a safe, positive environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the District and are prohibited at all times.</p> <p><b>Section 2</b>     <u><b>Definitions</b></u></p> <p><b>Hazing</b> occurs when a person <del>For purposes of this policy hazing is defined as any action or situation which recklessly or intentionally, knowingly, or recklessly, -endangers the mental or physical health or safety of a person or which willfully destroys or removes public or private property</del> for the purpose of initiating <del>on, or admitting, ssion into</del> or affiliating <del>ion with, or as</del> for the purpose of <del>a condition of</del> continuing <del>ed</del> membership or enhancing membership or status in; <del>any</del> organization, causes, coerces or forces a student to do any of the following. <del>The term shall include, but not be limited to:</del></p> <ol style="list-style-type: none"> <li>1. Violate federal or state criminal law.</li> <li><del>2.</del></li> <li><del>3.</del> <del>2.</del> <del>Forced</del> <del>Consumption of</del> any food, liquid, alcoholic liquid <del>or</del>, drug or other substance which subjects the student to a risk of emotional or physical harm.</li> <li><del>4.</del></li> <li><del>5.</del> <del>3.</del> <del>Endure</del> Any brutality of a physical nature, including <del>such</del></li> </ol>	<p>24 P.S. Sec. 5352 18 Pa. C.S.A. 2802</p>
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	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p style="text-align: center;">as whipping, beating, branding, calisthenics or exposure to the elements.</p> <p><del>6. Forced calisthenics.</del></p> <p><del>7. Exposure to the elements.</del></p> <p>4. Endure brutality of a mental nature <del>Any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity adversely affecting mental health or dignity of the individual, which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced or that conduct which is intended to or</del> could result in humiliation, extreme embarrassment, <del>or any other forced activity which could adversely affect the mental health or dignity of the individual.</del></p> <p>5. Endure brutality of sexual nature.</p> <p><del>8.</del>6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.</p> <p><del>9.</del>7. Any willful destruction or removal of public or private property.</p> <p><b>Aggravated hazing</b> occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:</p> <ol style="list-style-type: none"> <li>1. The person acts with reckless indifference to the health and safety of the student; or</li> <li>2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.</li> </ol> <p>Organizational hazing occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.</p> <p>Any activity, as described above, shall be deemed a violation of this policy regardless of whether:</p>	<p style="text-align: center;"><del>24 P.S. Sec. 5352</del></p> <p>18 Pa. C.S.A. 2803</p> <p>18 Pa. C.S.A. 2804, 2808</p> <p>18 Pa. C.S.A. 2806</p>
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	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p>1. The consent of the student was sought or obtained, or</p> <p>2. The conduct was sanctioned or approved by the school or organization.</p> <p><del>For purposes of this policy, any activity, as described above, upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be a “forced” activity or the subject feels coerced into participation, the willingness of an individual to participate in such activity notwithstanding.</del></p> <p><del>For purposes of this policy, S</del><b>student activity or organization</b><del> means is defined as any activity, society, corps, organization, team, club or service, social or similar, society, or group operating under the sanction of or recognized as an organization by the District, whose members are primarily students or alumni of the organization.</del></p> <p>For purposes of this policy, bodily injury shall mean impairment of physical condition or substantial pain.</p> <p>For purposes of this policy, serious bodily injury shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.</p> <p><b>Section 3</b></p> <p><b><u>Authority</u></b></p> <p>The Board prohibits hazing in connection with any student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours.</p> <p>No student, <del>person in parental relation</del><del>arent/guardian</del>, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.</p> <p>The Board encourages students who <del>believe they, or others,</del> have been subjected to hazing <del>or become aware of a hazing</del> to promptly report such incidents to any staff member.</p>	<p>18 Pa. C.S.A. 2801 SC 511</p> <p>18 Pa. C.S.A. 2301</p> <p>18 Pa. C.S.A. 2301</p> <p>18 Pa. C.S.A. 2808, 2806 <del>24 P.S. Sec. 5354</del> Pol. 122,123</p>
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	<b>POLICY NO. 247 HAZING</b>	
	<u>Title IX Sexual Harassment and Other Discrimination</u>	
	<p>Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a hazing investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged hazing.</p>	Pol. 103, 103.1
<b>Section 4</b>	<b><u>Delegation of Responsibility</u></b>	
	<p>Students, person(s) in parental relation<del>arents/guardians</del>, coaches, sponsors, volunteers, and district employees shall be alert to incidents of hazing and shall report such conduct to the building principal or designee.</p>	
	<p>District administrators shall investigate promptly all complaints of hazing and administer appropriate discipline to any individual or student activity or organization found to be in violation of this policy.</p>	
<b>Section 5</b>	<b><u>Guidelines</u></b>	
	<p>In addition to posting this policy on the district’s website, the District shall <del>annually</del> inform students, person(s) in parental relation<del>arents/guardians</del>, sponsors, volunteers and district employees of the District’s policy prohibiting hazing, including District rules, penalties for violations of the policy, and the program established by the District for enforcement of the policy <del>that hazing is prohibited</del>, by means including publication in handbooks and verbal instructions by the coach or sponsor at the start of the season or program.</p>	18 Pa. C.S.A. 2808 24 P.S. Sec. 5354
	<p>This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization <del>annually</del>, prior to coaching an athletic activity or serving as a responsible adult</p>	SC 511 24 P.S. Sec. 5354

**POLICY NO. 247  
HAZING**

supervising, advising, assisting or otherwise participating in a student activity or organization together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct. These individuals must acknowledge that they have read and understood this policy.

Complaint Procedure

When a student who believes that they/he has/has been subject to hazing or is aware of a hazing incident, ~~the student shall to~~ promptly report the incident, ~~orally or in writing,~~ to any staff member. Staff members shall report such incidents to their immediate supervisor.

Students are encouraged to use the District's report form (103-AR-1), available from the building principal or on the District's website, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of hazing shall be provided to the building principal or designee, who shall promptly notify the Superintendent or designee of the allegations and determine who shall conduct the investigation. Allegations of hazing shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of hazing brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be hazing under this policy but merits review and possible action under other Board policies. ~~The principal shall conduct a timely, impartial, thorough, and comprehensive investigation of the alleged hazing. The principal shall also notify the Superintendent of the investigation.~~

~~The principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint.~~

~~The District shall document the corrective action taken.~~

~~SC-511  
24 P.S. Sec. 5354  
Pol. 218, 233~~

~~24 P.S. Sec. 5354  
Pol. 218~~

~~Pol. 817~~

	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p><u>Interim Measures/Police</u></p> <p>Upon receipt of a complaint of hazing, the building principal or designee, in consultation with the Superintendent or designee, shall determine what, if any interim measures should be put in place to protect students from further hazing, bullying, discrimination or retaliatory conduct related to the alleged incident and report. Such interim measures may include, but not be limited to, the suspension of an adult who is involved, the separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.</p> <p>Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to the police consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to the police at every stage of the proceeding. The decision to report a matter to the police should not involve an analysis by district personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with the police in this regard.</p> <p><i>Referral to Law Enforcement and Safe Schools Reporting Requirements –</i></p> <p>For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act reporting, the term <b>incident</b> shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.</p> <p>The Superintendent or designee shall immediately report required incidents and discretionary incidents, as defined in the Safe Schools Act, committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to</p>	<p>18 Pa. C.S.A. 2810</p> <p>SC 1303-A 22 PA Code 10.2 35 P.S. 780-102</p> <p>22 PA Code 10.20, 10.21, 10.22 SC 1303-A, 1302.1-A Pol. 805.1</p>
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	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p>the local police department that has jurisdiction over the school’s property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</p> <p>The Superintendent or designee shall notify the person in parental relation of any student directly involved in a defined incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the person in parental relation whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the person in parental relation.</p> <p>In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.</p> <p><u>Confidentiality</u></p> <p>Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the District’s legal and investigative obligations.</p> <p><u>Retaliation</u></p> <p>Reprisal or retaliation relating to reports of hazing or participation in an investigation of allegations of hazing is prohibited and shall be subject to disciplinary action.</p> <p><u>Consequences for Violations</u></p> <p><i>Safe Harbor –</i></p> <p>An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if the individual complies with the requirements under law, subject to the limitations set forth in law.</p> <p><i>Students –</i></p>	<p>22 PA Code 10.20, 10.25 Pol. 805.1</p> <p>24 P.S. 1303-A</p> <p>18 Pa. C.S.A. 2810</p>
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	<p style="text-align: center;"><b>POLICY NO. 247 HAZING</b></p> <p>If the investigation results in a substantiated finding of hazing, or an attempt to circumvent or impede an investigation the <del>investigator principal</del> shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. <del>Additionally,</del> <del>The</del> student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline.</p> <p>Building principals shall take such disciplinary action for violations of this policy as is appropriate and within their authority, as set forth in policy and the Code of Student Conduct.</p> <p><i>Nonstudent Violators/Organizational Hazing -</i></p> <p>If the investigation results in a substantiated finding that a coach, sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, the coach, sponsor, or volunteer <del>s/he</del> shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor, or volunteer, and/or dismissal from district employment.</p> <p>If an <del>student activity or</del> organization is found to have engaged in organizational hazing, it shall be subject to the imposition of fines and other appropriate penalties. <del>authorizes hazing in blatant disregard of this policy or other applicable district rules,</del> Penalties may also include rescission <del>vocation</del> of permission for that organization to operate on school property or to otherwise operate under the sanction or recognition of the District.</p> <p><i>Criminal Prosecution –</i></p> <p>Any person or organization that <del>who</del> causes or participates in hazing and/or is knowledgeable of a hazing event and fails to report may also be subject to criminal prosecution.</p>	<p>18 Pa. C.S.A. 2808, 2810 SC 511 Pol. 218, 233</p> <p>Pol 817</p> <p>18 Pa. C.S.A. 2808</p>
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**POLICY NO. 247  
HAZING**

References:

School Code – 24 P.S. Sec. 511

Anti-hazing Law – 24 P.S. Sec. 5351 et seq

Board Policy – 122, 123, 218, 233, 817

~~24 P.S. Sec. 5354~~

~~24 P.S. Sec. 5353~~



# Policy Guide



Policy No. 252

Section PUPILS

Title DATING VIOLENCE

Adopted \_\_\_\_\_

Last Revised \_\_\_\_\_

<b>POLICY NO. 252 DATING VIOLENCE</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The purpose of this policy is to maintain a safe, positive learning environment for all students that is free from dating violence. Dating violence is inconsistent with the educational goals of the District and is prohibited at all times.</p>	
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Dating Partner</b> shall mean a person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.</p> <p><b>Dating Violence</b> shall mean behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person’s dating partner.</p>	<p>SC 1553</p> <p>SC 1553</p>
<b>Section 3</b>	<p><b><u>Authority</u></b></p> <p>The Board encourages students who have been subjected to dating violence to promptly report such incidents.</p> <p>The District shall investigate promptly all complaints of dating violence and shall administer appropriate discipline to any student who violates this policy.</p>	<p>Pol. 218</p>

<p><b>Section 4</b></p>	<p style="text-align: center;"><b>POLICY NO. 252 DATING VIOLENCE</b></p> <p><u>Title IX Sexual Harassment and Other Discrimination</u></p> <p>Every report of alleged dating violence that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a dating violence investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged dating violence.</p>	<p>Pol. 103, 103.1</p>
	<p><b><u>Guidelines</u></b></p> <p><u>Complaint Procedure</u></p> <p>When a student believes that they have been subject to dating violence, the student is encouraged to promptly report the incident, orally or in writing, to any staff member. Students and/or staff members may use form 103-AR-1 for reporting such incidents.</p> <p>The building principal shall conduct a timely, impartial, and comprehensive investigation of the alleged dating violence.</p> <p>The building principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. The complainant and the accused shall be informed of the outcome of the investigation.</p> <p>If the investigation results in a substantiated finding of dating violence, the building principal shall recommend appropriate disciplinary action, as circumstances warrant, in accordance with the Code of Student Conduct.</p> <p>The District shall document the corrective action taken and, where not prohibited by law, inform the complainant.</p>	<p>SC 1553</p> <p>SC 1553 Pol. 218</p>

	<p style="text-align: center;"><b>POLICY NO. 252 DATING VIOLENCE</b></p> <p>This policy on dating violence shall be:</p> <ol style="list-style-type: none"> <li>1. Published in the Code of Student Conduct.</li> <li>2. Published in the Student Handbook.</li> <li>3. Made available on the District’s website.</li> <li>4. Provided to person(s) in parental relation.</li> </ol> <p><u>Dating Violence Training</u></p> <p>The District may provide dating violence training to guidance counselors, nurses, and mental health staff at the high school as deemed necessary. At the discretion of the Superintendent, person(s) in parental relation and other staff may also receive training on dating violence.</p> <p><u>Dating Violence Education</u></p> <p>The District may incorporate age-appropriate dating violence education into the annual health curriculum framework for students in grades nine through twelve. The District shall consult with at least one (1) local domestic violence program or rape crisis program when developing the educational program.</p> <p>A person in parental relation of a student under the age of eighteen (18) shall be permitted to examine the instructional materials for the dating violence education program.</p> <p>At the request of the person in parental relation, the student may be excused from all or part of the dating violence education program.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 1553</p> <p>Board Policy – Pol. 103, 103.1, 105.1, 105.2, 218</p>	<p>SC 1553</p> <p>SC 1553</p> <p>SC 1553 71 P.S. 611.13</p> <p>SC 1553 Pol. 105.1</p> <p>SC 1553 Pol. 105.2</p>
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# Policy Guide



Policy No. 817.1

Section OPERATIONS

Title EDUCATOR MISCONDUCT

Adopted JUNE 27, 2017

Last Revised \_\_\_\_\_

<b>POLICY NO. 817.1 EDUCATOR MISCONDUCT</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The Board adopts this policy to promote the integrity of the education profession and to create a climate within district schools that fosters ethical conduct and practice.</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>The Board requires certificated district employees to comply with the Code of Professional Practice and Conduct and the requirements of the Educator Discipline Act.</p> <p style="text-align: right;">22 PA Code 235.1 et seq. 24 P.S. 2070.1a</p>
<b>Section 3</b>	<p><b><u>Definitions</u></b></p> <p><b>Educator</b> – a person who holds a certificate. <span style="float: right;">24 P.S. 2070.1b</span></p> <p><b>Certificate</b> – any Commonwealth of Pennsylvania certificate, commission, letter of eligibility or permit issued under the School Code. <span style="float: right;">24 P.S. 2070.1b</span></p> <p><b>Sexual Abuse or Exploitation</b> – shall mean any of the following: <span style="float: right;">23 Pa. C.S.A. 6303</span></p> <ol style="list-style-type: none"> <li>1. The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes, but is not limited to, the following:             <ol style="list-style-type: none"> <li>a. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any</li> </ol> </li> </ol>

**POLICY NO. 817.1  
EDUCATOR MISCONDUCT**

individual.

- b. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
  - c. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
  - d. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.
2. Any of the following offenses committed against a child: rape; statutory sexual assault; involuntary deviate sexual intercourse; sexual assault; institutional sexual assault; aggravated indecent assault; indecent assault; indecent exposure; incest; prostitution; sexual abuse; unlawful contact with a minor; or sexual exploitation.

**Sexual Misconduct** – any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student, such acts include but are not limited to:

- 1. Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
- 2. Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
- 3. Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

24 P.S. 2070.1b

<p><b>Section 4</b></p>	<p><b>POLICY NO. 817.1</b>  <b>EDUCATOR MISCONDUCT</b></p> <p>4. Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.</p>	
	<p><b><u>Delegation of Responsibility</u></b></p> <p><u>Duty to Report</u></p> <p>The Superintendent or designee shall report to the Pennsylvania Department of Education on the required form, within fifteen (15) days of receipt of notice from an educator or discovery of the incident, any educator:</p> <ol style="list-style-type: none"> <li>1. Who has been provided with notice of intent to dismiss or remove for cause, notice of removal from eligibility lists for cause, or notice of intent not to reemploy for cause.</li> <li>2. Who has been arrested or convicted of any crime that is graded a misdemeanor or felony.</li> <li>3. Against whom there are any allegations of sexual misconduct or sexual abuse or exploitation involving a child or student.</li> <li>4. Where there is reasonable cause to suspect that s/he has caused physical injury to a child or student as the result of negligence or malice.</li> <li>5. Who has resigned or retired or otherwise separated from employment after a school entity has received information of alleged misconduct under the Educator Discipline Act.</li> <li>6. Who is the subject of a report filed by the school entity under 23 Pa. C.S. Ch. 63 (relating to child protective services)</li> <li>7. Who the school entity knows to have been named as a perpetrator of an indicated or founded report under 23 Pa. C.S. Ch. 63.</li> </ol>	<p>24 P.S. 2070.9a</p> <p>Pol. 806</p>

<b>POLICY NO. 817.1 EDUCATOR MISCONDUCT</b>		
<b>Section 5</b>	<b><u>Guidelines</u></b>	
	<b><u>Investigation</u></b>	
	An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.	24 P.S. 2070.9a
	All reports submitted to the Pennsylvania Department of Education shall include an inventory of all information, including: documentary and physical evidence in possession or control of the school relating to the misconduct resulting in the report.	24 P.S. 2070.9a
	An educator who is arrested or convicted of a crime shall report the arrest or conviction to the Superintendent or designee, within seventy-two (72) hours of the occurrence, in the manner prescribed in Board policy.	SC 111 24 P.S. 2070.9a Pol. 817
	Failure to comply with the reporting requirements may result in professional disciplinary action.	24 P.S. 2070.9c
	School officials shall cooperate with the Pennsylvania Department of Education during its review, investigation, or prosecution, and shall promptly provide the Pennsylvania Department of Education with any relevant information and documentary and physical evidence upon request.	24 P.S. 2070.11
	Upon receipt of notification in writing from the Pennsylvania Department of Education, the Superintendent or designee shall investigate the allegations of misconduct as directed by the Department and may pursue its own disciplinary procedure as established by law or by collective bargaining agreement.	24 P.S. 2070.11
Within ninety (90) days of receipt of notification from the Pennsylvania Department of Education directing the school district to conduct an investigation (extensions may be requested), the Superintendent or designee shall report to Department the outcome of its investigation and whether it will	24 P.S. 2070.11	

**POLICY NO. 817.1  
EDUCATOR MISCONDUCT**

pursue local employment action. The Superintendent or designee may make a recommendation to the Department concerning discipline. If the District makes a recommendation concerning discipline, it shall notify the educator of such recommendation.

[Title IX Sexual Harassment and Other Discrimination](#)

Whenever the allegations underlying a report of educator misconduct include conduct that appears to constitute harassment or other discrimination, including Title IX sexual harassment, subject to policies and procedures specific to such conduct, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in the applicable Board policies. Whenever an investigation by the District of educator misconduct reveals indications of conduct by any person that appears to constitute harassment or other discrimination, including Title IX sexual harassment, the Title IX Coordinator shall be promptly notified and shall respond to such allegations as provided in policies specific to such discrimination. To the extent feasible, investigations pursuant to discrimination policies shall be conducted jointly with investigations by the District of educator misconduct.

Pol. 103, 104

Confidentiality Agreements

The District shall not enter into confidentiality or other agreements that interfere with the mandatory reporting requirement.

24 P.S. 2070.11

Confidentiality

Except as otherwise provided in the Educator Discipline Act, all information related to any complaint, any complainant, or any proceeding related to discipline [under the Educator Discipline Act](#) shall remain confidential unless or until public discipline is imposed.

24 P.S. 2070.17b

Immunity

Any person who, in good faith, files a complaint or report, or who provides information or cooperates with the Pennsylvania Department of Education or Professional Standards and Practices Commission in an investigation or proceeding shall be

24 P.S. 2070.17a



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EDUCATOR MISCONDUCT**

immune from civil liability. The District also is immune from civil liability for the disclosure of information about the professional conduct of a former or current employee to a prospective employer of that employee.

References:

School Code – 24 P.S. Sec. 111

Educator Discipline Act – 24 P.S. Sect 2070.1 et seq.

Pennsylvania’s Code of Professional Practice and Conduct for Educators – 22 PA Code Sec. 235.1 et seq.

Chile Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.

Board Policy – 806, 817

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 847

Section OPERATIONS

Title MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES

Adopted AUGUST 15, 2017

Last Revised \_\_\_\_\_

<p><b>Section 1</b></p>	<p style="text-align: center;"><b>POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES</b></p> <p><b><u>Authority</u></b></p> <p>This policy applies to district employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. For purposes of this policy, such individuals are referred to collectively as <b>adults</b>. The term <b>adults</b> as used in this policy, does not include district students who perform services on a volunteer or compensated basis.</p> <p>All adults shall be expected to maintain professional, moral and ethical relationships with district students that are conducive to an effective, safe learning environment. This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.</p> <p>The Board directs that all adults shall be informed of conduct that is prohibited and the disciplinary actions that may be applied for violation of Board policies, administrative regulations, rules and procedures.</p> <p>This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the District or to interfere with participation in civic, religious or other outside organizations that include district students.</p>	<p>SC 510</p>
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	<p style="text-align: center;"><b>POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES</b></p> <p><b>Section 2</b>    <b><u>Definition</u></b></p> <p>For purposes of this policy, <b>legitimate educational reasons</b> include matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student’s physical injury or other medical needs, school administration or other purposes within the scope of the adult’s <b>assigned</b> job duties.</p> <p>For purposes of this policy, <b>electronic communication</b> shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.</p> <p><b>Section 3</b>    <b><u>Delegation of Responsibility</u></b></p> <p>The Superintendent or designee shall annually inform students, parents/guardians, and all adults regarding the contents of this Board policy through employee and student handbooks, posting on the district website, and by other appropriate methods.</p> <p>The building principal or designee shall be available to answer questions about behaviors or activities that may violate professional boundaries as defined in this policy.</p> <p>Independent contractors doing business with the District shall ensure that their employees who have interaction with students or are present on school grounds are informed of the provisions of this policy.</p> <p><b>Section 4</b>    <b><u>Guidelines</u></b></p> <p>Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by this policy or that creates the appearance of prohibited behavior.</p>	<p style="text-align: center;">Pol. 818</p>
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**POLICY NO. 847  
MAINTAINING PROFESSIONAL ADULT/STUDENT  
BOUNDARIES**

Prohibited Conduct

*Romantic or Sexual Relationships -*

Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the District, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.

18 Pa. C.S.A. Sec.  
3124.2  
24 P.S. Sec.  
2070.9f

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact.
2. Romantic flirtation, propositions, or sexual remarks.
3. Sexual slurs, leering, epithets, sexual or derogatory comments.
4. Personal comments about a student's body.
5. Sexual jokes, notes, stories, drawings, gestures or pictures.
6. Spreading sexual or romantic rumors.
7. Touching a student's body or clothes in a sexual or intimate way.
8. Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures, or depictions.

**POLICY NO. 847  
MAINTAINING PROFESSIONAL ADULT/STUDENT  
BOUNDARIES**

*Social Interactions -*

In order to maintain professional boundaries, adults shall ensure that their interactions with students are appropriate.

Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.
2. Exchanging notes, emails or other communications of a personal nature with a student.
3. Giving personal gifts, cards or letters to a student without written approval from the building principal.
4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).
5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.
6. Taking a student out of class without a legitimate educational reason.
7. Being alone with a student behind closed doors without a legitimate educational reason.
8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
9. Sending or accompanying a student on personal errands.
10. Inviting a student to the adult's home.

**POLICY NO. 847  
MAINTAINING PROFESSIONAL ADULT/STUDENT  
BOUNDARIES**

11. Going to a student's home without a legitimate educational reason.
12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
15. Telling a student personal secrets or sharing personal secrets with a student.
16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource. An adult can listen and/or advocate for the student and assist the student with a referral to the appropriate counselor and continue to provide support as needed and appropriate.
17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
18. Engaging in harassing or discriminatory conduct prohibited by other district policies or by state or federal law and regulations.

Pol. 103, 103.1, ~~248~~

**POLICY NO. 847  
MAINTAINING PROFESSIONAL ADULT/STUDENT  
BOUNDARIES**

*Electronic Communications -*

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students.

Electronic communication with students shall be for legitimate educational reasons only.

When available, district-provided email or other district-provided communication devices **or platforms** shall be used when communicating electronically with students. The use of district-provided email or other district-provided communication devices **or platforms** shall be in accordance with district policies and procedures.

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Adults shall not follow or accept requests from current students to be friends or connections on personal accounts on social networking sites and shall not create any networking site for communication with students other than those provided by the District for this purpose, without the prior written approval of the building principal.

Exceptions

An emergency situation or a legitimate educational reason may justify deviation from **the rules regarding communication or methods for maintaining** professional boundaries set out in this policy. The adult shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

Pol. 815

**POLICY NO. 847  
MAINTAINING PROFESSIONAL ADULT/STUDENT  
BOUNDARIES**

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy.

There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that many adults are involved in various other roles in the community through non-district-related civic, religious, athletic, scouting or other organizations and programs whose participants may include district students. Such community involvement is commendable, and this policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between an adult and a student, shall immediately notify the Superintendent, principal, [Title IX Coordinator](#) or other administrator. [Reports may be made using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form \(103-AR-1\) or by making a general report verbally or in writing. Upon receipt of a report, school staff shall promptly notify the building principal.](#)

All district employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.

Any certificated employee who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual

Pol. [103, 104](#)~~248~~

23 Pa. C.S.A. ~~See~~ 6311  
Pol. 806

24 P.S. Sec. 2070.9a



	<p style="text-align: center;"><b>POLICY NO. 847 MAINTAINING PROFESSIONAL ADULT/STUDENT BOUNDARIES</b></p> <p>misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent, <b>Title IX Coordinator</b> and his/her immediate supervisor, <b>promptly but not later than</b> <del>within</del>-fifteen (15) days <del>of following</del> discovery of such misconduct.</p> <p>If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with applicable law, regulations and Board policy.</p> <p>It is a violation of <b>Board</b><del>this</del> policy to retaliate against any person for reporting any action pursuant to this policy or for participating as a witness in any related investigation or hearing.</p> <p><u>Investigation</u></p> <p><b>The Title IX Coordinator shall promptly assess and address</b> <del>a</del>Allegations of inappropriate conduct <del>shall be promptly investigated</del> in accordance with the procedures <b>for reports of discrimination or Title IX</b><del>utilized for complaints of</del> sexual harassment.</p> <p>It is understood that some reports made pursuant to this policy will be based on rumors or misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result in disciplinary action against the <b>person making the</b> reporter or any witnesses. If as the result of an investigation any individual, including the reported adult, the <b>person making the</b> reporter, or a witness is found to have <b>knowingly</b><del>intentionally</del> provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this policy and other applicable laws, regulations and <b>Board</b><del>district</del> policies. Obstruction includes, but is not limited to, violation of “no contact” orders given to the reported</p>	<p>Pol. <b>103, 104</b>, 817.1</p> <p>SC 1302.1-A, 1303-A 22 PA Code Sec. 10.2, 10.21, 10.22 23 Pa. C.S.A. Sec. 6311 24 P.S. Sec. 2070.9a Pol. 817.1, <del>805.125</del>, 806 <b>Pol. 103, 104</b></p> <p>Pol. <b>103, 104</b><del>248</del>, <del>848</del></p> <p><b>Pol. 103, 104</b>, <b>113.2, 218, 233</b>, <b>817, 817.1</b></p>
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**POLICY NO. 847  
MAINTAINING PROFESSIONAL ADULT/STUDENT  
BOUNDARIES**

adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.

Disciplinary Action

A district employee who violates this policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable district disciplinary policies and procedures.

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this policy may be prohibited from working or serving in district schools for an appropriate period of time or permanently, as determined by the Superintendent or designee.

Training

The District shall provide training with respect to the provisions of this policy to current and new district employees, volunteers and student teachers subject to this policy.

The District, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this policy and related procedures.

References:

School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22

Educator Discipline Act – 24 P.S. Sec. 2070.1a et seq.

Pennsylvania’s Code of Professional Practice and Conduct for Educators – 22 PA Code Sec. 235.1 et seq.

Pol. 104, 817, 817.1

	<p style="text-align: center;"><b>POLICY NO. 847</b> <b>MAINTAINING PROFESSIONAL ADULT/STUDENT</b> <b>BOUNDARIES</b></p> <p>Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.</p> <p>Title 18 Institutional Sexual Assault – 18 Pa. C.S.A. 3124.2</p> <p>Board Policy – 103, 104, 103.1, 113.2, <del>248</del>, 805.1, 806, 815, 817, 817.1 818, <del>825, 848</del></p>	
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KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 865

Section OPERATIONS

Title USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY

Adopted \_\_\_\_\_

Last Revised \_\_\_\_\_

	<b>POLICY NO. 865 USE OF LIVESTREAM VIDEO ON DISTRICT PROPERTY</b>	
<b>Section 1</b>	<b><u>Purpose</u></b>	
	The Board recognizes that livestream video may be helpful to the District and its employees in both fulfilling its educational mission and in expanding the reach of school district events and activities to those not able to attend in person. The Board further recognizes that without parameters, livestream video may pose legal risks to the District and its employees, and may otherwise disrupt the educational environment.	
<b>Section 2</b>	<b><u>Definition</u></b>	
	<b>Livestream video</b> , as used in this policy, shall mean utilizing any camera to broadcast live video content through the internet or other electronic means, including through a social media platform.	
<b>Section 3</b>	<b><u>Guidelines</u></b>	
	<b><u>Student Initiated Use of Livestream Video</u></b>	
	The Board prohibits student-initiated use of livestream video at any time during the school day or at any school sponsored event that is not open to the general public, unless the building administrator, in consultation with the Superintendent, has authorized the use of livestream video by giving written consent.	

**POLICY NO. 865  
USE OF LIVESTREAM VIDEO ON DISTRICT  
PROPERTY**

Employee Initiated Use of Livestream Video

The Board authorizes the use of livestream video for instructional and other educational purposes at the discretion and direction of teachers, administrators, and other employees, if approved by the Superintendent.

Any in-school use of livestream video by students, as authorized in this section for educational purposes, shall be supervised by a professional employee or by an administrator.

Livestream Video of Classroom Instruction / Distance Learning

The Board authorizes the use of livestream video to deliver academic and special education instruction remotely when approved by the Superintendent.

Students shall be notified prior to the use of livestream video in their classroom or other areas of the school where they may be captured on the livestream.

Livestreams shall be set up to visually capture the instructor and their materials, but may unintentionally capture other students attending the same instruction in-person.

Prior to approving instruction via livestream, the building administrator shall determine if such instruction shall be recorded, and if so how long such recording shall be maintained to provide student access. Access shall be provided to students only through a secure password-protected classroom management system and no such recordings shall be posted publicly on the internet. Students shall be notified prior to a livestream being recorded. All recordings must have the approval of the Superintendent.

Recordings of livestream video distance-learning are the property of the District. Students are prohibited from reposting such videos on the internet, removing them from the classroom management system, and/or from sharing them with other individuals.

**POLICY NO. 865  
USE OF LIVESTREAM VIDEO ON DISTRICT  
PROPERTY**

Students who access academic instruction via livestreaming shall be considered present for attendance purposes during those hours in which they received instruction.

Livestream of School District Events Open To The Public

This policy does not prohibit employees, students, person(s) in parental relation, and/or members of the public from livestreaming district events which are otherwise open to the public. Students, person(s) in parental relation, employees, and members of the public shall have no expectation of privacy while attending public school events. By attending such events they recognize and accept they may be captured and broadcast on a livestream video to the same extent as they could at any other public or community event, or within any facility open to the public.

However, district administrators may prohibit livestreaming at specific events hosted by the District on a case-by-case basis to comply with applicable law, to comply with contract terms, or to prevent a substantial disruption to the public event.

The Board specifically prohibits livestreaming of copyrighted musical performances, theatrical performances, or any material or performance which may be in violation of copyright law.

Livestream Video In Lieu of Homebound Instruction

Upon acceptance of a physician or healing arts practitioner's recommendation that homebound instruction is medically necessary, the Board directs that consideration be given to whether or not the student should receive livestream access to their essential academic classes in lieu of homebound instruction. Consideration must be given to:

1. The severity of the student's medical condition, and whether or not the student can benefit from livestream academic instruction.
2. The recommendation of the student's physician.

17 U.S.C. 101 et seq

SC 1327, 1329

**POLICY NO. 865  
USE OF LIVESTREAM VIDEO ON DISTRICT  
PROPERTY**

3. Input from the student's person(s) in parental relation.
4. The age and specific needs of the student, including whether the student has the technical proficiency to access the livestream at home.
5. Whether providing livestream instruction may be counter-productive, in that it may prolong the student's absence from school.

Students who access their essential academic instruction via livestreaming shall be considered present for attendance purposes during those hours in which they received instruction. Livestream access to academic instruction is in lieu of and not in addition to homebound instruction.

The decision whether or not to provide livestream access to academic instruction in lieu of homebound instruction rests in the sole discretion of the District. Nothing in this policy shall be construed to require the District to provide livestream access to any particular student.

Telepresence Robots

The Board authorizes the use of telepresence robots in the District's buildings when approved by a Student's IEP or Section 504 team due to a long term illness or disability preventing regular school attendance. The use of telepresence robots shall be considered an employee-initiated livestream, subject to the conditions outlined above. The Superintendent or their designee shall develop procedures outlining employee responsibilities regarding the use of such robots in the District.

Livestream Video For Routine Illnesses & Absences

No teacher or administrator shall be required to provide a livestream of academic instruction for a student's routine illness or absence. If a student or person in parental relation requests access to such a livestream due to extenuating circumstances, the decision whether or not to provide such a livestream shall be in the sole discretion of the teacher and building administrator, with approval by the Superintendent.

**POLICY NO. 865  
USE OF LIVESTREAM VIDEO ON DISTRICT  
PROPERTY**

Proper Attire / Code of Conduct

Any student participating in a livestream for academic instruction must abide by the District's Code of Conduct and may be held accountable for violations of the code of conduct while participating in the livestream. Students participating in a livestream of academic instruction must also be dressed in proper attire consistent with the District's dress code.

Acceptable Use of District's Network

If a livestream utilizes the District's internet connection, the School District's Acceptable Use Policy applies and is incorporated herein by reference. District livestream videos are property of the District. Any reposting or reproduction of such videos, or screenshots from such a video, is prohibited.

Pol. 262, 862

Use of Personal Devices

If any livestream authorized pursuant to this policy utilizes a personal mobile device, the District's mobile device policies apply and are incorporated herein by reference.

Pol. 237, 815

Accommodations For Disabilities

The Board directs that public livestreams of district events be as accessible as reasonably feasible for individuals with disabilities as for non-disabled members of the public.

29 U.S.C. 794  
42 U.S.C. 12182  
28 C.F.R. 35.160

Nothing in this policy shall affect the provision or use of livestreaming as stated in an Individualized Education Program or Section 504 Service Agreement.

Penalties for Violations

Violation of this policy, administrative procedures, and/or state or federal laws will result in discipline. Employees may be subject to discipline up to and including dismissal. Students may be subject to discipline up to and including expulsion.

Pol. 218, 233, 817



**POLICY NO. 865  
USE OF LIVESTREAM VIDEO ON DISTRICT  
PROPERTY**

**Section 4**

**Delegation of Responsibility**

The Superintendent shall develop procedures to implement this policy, and may delegate to their designee(s) the right to enforce this policy.

The Superintendent shall ensure that all students and employees are made aware of this policy and any administrative guidelines by means of the employee and student handbooks, the school district website, or other reasonable means.

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 111

Section PROGRAMS

Title LESSON PLANS

Adopted AUGUST 21, 1989

Last Revised MARCH 21, 2017;  
FEBRUARY 16, 1998

POLICY NO. 111 LESSON PLANS		
Section 1	<p><u>Authority</u><del>Purpose</del></p> <p>To ensure consistency and continuity of instruction, the Board requires professional staff members to develop and maintain daily lesson plans.</p>	SC 510
Section 2	<p><u>Delegation of Responsibility</u></p> <p>To facilitate more effective instruction, lesson plans must be prepared at least one (1) week in advance. Lesson plans shall be inspected and must conform to the guidelines established by the District's Administrative Team.</p> <p>Teachers shall make thorough preparation for all daily lessons and shall prepare plans reflecting such preparation.</p> <p>Lesson plans shall be completed and submitted in the designated online platform(s) for review.</p> <p>Teachers are to provide adequate directions for substitutes, the purpose of which shall be to continue the instructional program or provide a meaningful educational alternative that relates to the subject area.</p> <p>Lesson plans must be available for immediate access by assigned substitute teachers.</p> <p><del>The Board requires that lessons will be well planned with deliberate attention to both unit and daily goals; that varied</del></p>	

**POLICY NO. 111  
LESSON PLANS**

~~strategies will be employed to address learning styles and individual needs; that there will be well defined student expectations and means of assessment; that plans will be developed a minimum of one week in advance and will be submitted for administrative review before implementation. Plans will be in accordance with Guides for Planned Instruction. However they may be modified due to timeline and students needs and reactions.~~

**Section 2**

**Guidelines**

Lesson design will emphasize the development of critical skills and essential knowledge as defined in the planned course guide. There will also be specific reference to the use of technology and writing activities.

Guidelines for implementation of this policy shall include:

1. Lesson plans be prepared using the District's online platform.
2. The format for lesson plans shall be decided by the Administrative Team.
3. Lesson plans for individualized programs shall reflect a general overview and purpose of the instructional program; individual student plans or records may serve as an integral part of the lesson plan.

~~Teachers will maintain professional files containing lesson preparation. Copies of lessons will be made available electronically to administrators on a weekly basis. Teachers will make such plans available to substitute teachers.~~

Previously Revised: March 21, 2017; February 16, 1998

References:

School Code – 24 P.S. Sec. 510

# Policy Guide



Policy No. 203

Section PUPILS

Title COMMUNICABLE DISEASES AND IMMUNIZATION

Adopted JUNE 27, 1998

Last Revised JUNE 27, 2017;  
MARCH 26, 2015;  
OCTOBER 19, 1998

<b>POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>In order to safeguard the school community from the spread of certain communicable diseases, the Board requires that <b>guidance and orders from state and local officials</b>, established <b>Board policy, administrative regulations, and guidelines</b> <b>Board-approved health and safety plans</b> be followed by students, <b>person(s) in parental relation</b> <b>arents/guardians</b> and district staff.</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p><b>Certificate of Immunization</b> – The official form furnished by the Pennsylvania Department of Health. The certificate is filled out by the <b>person in parental relation</b> <b>arent/guardian</b> or health care provider and signed by the health care provider, public health official or school nurse or a designee. The certificate is given to the school as proof of full immunization. The school maintains the certificate as the official school immunization record or stores the details of the record in a computer database.</p> <p><b>Medical Certificate</b> – The official form furnished by the Pennsylvania Department of Health setting out the immunization plan for a student who is not fully immunized, filled out and signed by a physician, certified registered nurse practitioner or physician assistant, or by a public health official when the immunization is provided by the Department of Health or a local health department, and given to a school as proof that the student is scheduled to complete the required immunizations.</p>

SC 1303a  
~~Title-28 PA Code~~  
~~Sec. 23.81 et seq.~~

~~Title-28 PA Code~~  
~~Sec. 23.82~~

~~Title-28 PA Code~~  
~~Sec. 23.82~~

**POLICY NO. 203  
COMMUNICABLE DISEASES AND IMMUNIZATION**

**Section 32 Guidelines**

Immunization

All students shall be immunized against specific diseases in accordance with Pennsylvania law and regulations, unless specifically exempt for religious or medical reasons.

SC 1303a  
~~Title 28 PA~~  
~~CodeSec.~~ 23.81 et seq.  
~~Title 22 PA~~  
~~CodeSec.~~ 11.12

A certificate of immunization shall be maintained as part of the health record for each student, as required by the Pennsylvania Department of Health.

~~Title 28 PA~~  
~~CodeSec.~~ 23.85

A student shall be exempt from immunization requirements whose ~~person in parental relation~~ ~~arent/guardian~~ objects in writing to such immunization on religious grounds or whose physician certifies that the student's physical condition contraindicates immunization.

SC 1303a  
~~Title 22 PA~~  
~~CodeSec.~~ 11.20  
~~Title 28 PA~~  
~~CodeSec.~~ 23.83, 23.84

A student who has not been immunized in accordance with state and/or county regulations shall not be admitted to or permitted to attend district schools, unless exempted for medical or religious reasons, or provisionally admitted by the Superintendent or designee after beginning a multiple dose vaccine series and submitting proof of immunization or a medical certificate on or before the fifth school day of attendance, ~~or in accordance with programs or guidance established by the PA Department of Health or a local health department.~~

SC 1303a  
~~Title 22 PA~~  
~~CodeSec.~~ 11.20  
~~Title 28 PA Code~~  
~~Sec.~~ 23.83, 23.84, 23.85

Homeless students who have not been immunized or are unable to provide immunization records due to being homeless shall be admitted in accordance with the provisions of applicable law and regulations.

~~Title 28 PA~~  
~~CodeSec.~~ 23.85, Pol. 200, 240

Foster care students and students transferring into a school within the Commonwealth shall be admitted in accordance with law and regulations, and shall have thirty (30) days to provide proof of immunization, a medical certificate detailing the plan to complete a multiple dose vaccine series or to satisfy the

~~Title 28 PA~~  
~~CodeSec.~~ 23.85

<b>POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION</b>	
<p>requirements for an exemption.</p> <p>Monitoring of immunization requirements shall be the responsibility of the Superintendent or designee and the building principal.</p> <p>Students attending child care group settings located in a school, a pre-kindergarten program or an early intervention program operated by the district shall be immunized in accordance with the Advisory Committee on Immunization Practices (ACIP) standards.</p> <p><b><u>Health Records</u></b></p> <p>A comprehensive health record shall be maintained for each student enrolled in the District. The record shall include the results of required tests, measurement, screenings, regular and special examinations, and medical questionnaires.</p> <p>All health records shall be confidential, and their contents shall be divulged only when necessary for the health of the student or; <del>at the request of the parent/guardian;</del> to a physician <del>at the written request of the person in parental relation-or otherwise authorized or required under applicable law.</del> The District may disclose information from health records to appropriate parties in connection with an emergency when necessary to protect the health or safety of the student or other individuals, in accordance with applicable law and Board policy.</p> <p><b><u>Communicable Diseases</u></b></p> <p>The Board <del>directs</del><del>authorizes</del> that students who have been diagnosed by a physician or are suspected <del>of having a disease by the school nurse-of having a disease or infectious condition, as described in and defined by regulations issued by the Department of Health;</del> shall be excluded from school for the period indicated by regulations <del>of the PA Department of Health or guidance from state or local health officials for specified</del><del>such</del> diseases or infectious conditions.</p> <p>Person(s) in parental relation shall be notified of this policy at the beginning of the school year, and that during the school year it may be necessary for a student to be excluded from school due</p>	<p>SC 1303a</p> <p><del>Title-28 PA CodeSec. 23.83, 27.77</del></p> <p>SC 1402 Pol. 209</p> <p>SC 1409 20 U.S.C. 1232g 34 CFR Part 99 Pol. 113.4, 216, 805</p> <p><del>Title-28 PA CodeSec. 27.71, 27.72</del> Pol. 204, 209</p> <p>28 PA Code 27.71, 27.72 Pol. 204</p>

<b>POLICY NO. 203 COMMUNICABLE DISEASES AND IMMUNIZATION</b>		
	<p>to communicable disease. Person(s) in parental relation of a student needing to be excluded shall be notified and required to come to school or have a designated emergency contact come to school to transport the student home or to an appropriate place of care. Students may return to school when the criteria for readmission following a communicable disease, as set forth in law, regulations or guidance from state or local health officials, have been met.</p> <p>The Board directs school staff to request emergency contact information from person(s) in parental relation of students at the beginning of each school year and request that it be updated as necessary during the school year.</p> <p>The school nurse shall report the presence of suspected communicable diseases to the appropriate local health authority, as required by the PA Department of Health.</p> <p><u>Education</u></p> <p>Instruction regarding prevention of communicable and life threatening diseases shall be provided by the schools in the educational program for all levels, in accordance with state regulations <del>and Board approved curriculum.</del></p> <p>Person(s) in parental relation <del>arents/guardians</del> shall be informed of and be provided opportunities during school hours to review all curriculum materials used in <del>such</del> instruction <u>relative to communicable and life-threatening diseases, in accordance with Board policy.</u></p>	<p><del>Title-28 PA CodeSec. 27.1, 27.2, 27.23</del></p> <p><del>Title-22 PA CodeSec. 4.29</del></p> <p><del>Title-22 PA CodeSec. 4.4, 4.29 Pol. 105.1</del></p>
<b>Section 43</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>The Superintendent or designee shall:</p> <ol style="list-style-type: none"> <li>1. Ensure that person(s) in parental relation <del>arents/guardians</del> are informed prior to a student’s admission to school, or a grade requiring additional immunizations, of the requirements for immunization, the requisite proof of immunization, exemption available for religious or medical reasons, and means by which such exemptions may be claimed.</li> </ol>	<p>SC 1303a <del>Title-28 PA CodeSec. 23.83, 23.84, 23.85 Pol. 200, 201</del></p>

**POLICY NO. 203  
COMMUNICABLE DISEASES AND IMMUNIZATION**

2. Designate school personnel to review student medical certificates in accordance with law and regulations to ensure compliance with full immunization requirements.
3. Annually review the State and/or county standards for immunization of students and direct the responsible district personnel accordingly.
4. Investigate and recommend to the Board such district-sponsored programs of immunization as may be warranted to safeguard the health of the school community. ~~Any~~ Such program shall be is subject to Board approval and ~~may should~~ be conducted in cooperation with local health agencies.
- ~~5.~~ **5. Communicate** ~~Promulgate~~ health guidelines and universal precautions designed to minimize transmission of communicable disease be implemented in all district schools.

~~Title-28 PA Code~~ ~~Sec. 23.82,~~ 23.85

The Superintendent or designee shall report immunization data electronically to the PA Department of Health by ~~December 31 of each year~~ ~~as required by law~~. If the District is unable to complete the report electronically, the Superintendent or designee shall report the immunization data on the required form to the PA Department of Health by December 15.

~~Title-28 PA Code~~ Sec. 23.86

Previously Revised: June 27, 2017; March 26, 2015; October 19, 1998

References:

School Code – 24 P.S. Sec. 1303a, 1402, 1409

State Board of Education Regulations – 22 PA Code Sec. 4.4, 4.29, 4.4, 11.20

State Department of Health Regulations – 28 PA Code Sec. 23.81 et seq., 23.82, 23.83, 23.84, 23.85, 27.1, 27.2, 27.23, 27.71, 27.72. 27.77

Board Policy – 105.1, 200, 201, 204, 209, 240



	<p><b>POLICY NO. 203</b> <b>COMMUNICABLE DISEASES AND IMMUNIZATION</b></p>	
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# Policy Guide



Policy No. 209

Section PUPILS

Title HEALTH EXAMINATIONS/ SCREENINGS

Adopted AUGUST 21, 1989

Last Revised MAY 19, 2020

<b>POLICY NO. 209 HEALTH EXAMINATIONS/SCREENINGS</b>		
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>In compliance with applicable law and regulations, and Board-approved health and safety plans<del>the School Code</del>, the Board shall require that district students<del>of this District</del> submit to health and dental examinations, screenings and health monitoring in order to protect the school community from the spread of communicable disease; and to ensure that the student’s participation in health, safety and physical education courses meets the student’s individual needs,<del>and to ensure</del> that the learning potential of each student is not lessened by a remediable physical disability.</p>	<p>SC 1401, 1402, 1403 22 PA Code 12.41</p>
<b>Section 2</b>	<p><b><u>Guidelines</u></b></p> <p>Each student shall receive a comprehensive health examination upon original entry, while in sixth grade and in eleventh grade.</p> <p>Each student shall receive a dental examination upon original entry, while in third grade and in seventh grade.</p> <p>A private health and/or dental examination conducted at the person in parental relation’s request and expense shall be accepted in lieu of the school examination. The District shall accept reports of privately conducted physical and dental examinations completed within one (1) year prior to a student’s entry into the grade where an exam is required.</p> <p>The school nurse or medical technician shall administer to each student vision tests, hearing tests, tuberculosis tests, other tests</p>	<p>SC 1402, 1407 22 PA Code 12.41</p> <p>SC 1403,1407 22 PA Code 12.41</p> <p>SC 1407</p> <p>SC 1402 22 PA Code 12.41</p>

**POLICY NO. 209**  
**HEALTH EXAMINATIONS/SCREENINGS**

deemed advisable, height and weight measurements, at intervals established by the District. Height and weight measurements shall be used to calculate the student's weight-for-height ratio.

28 PA Code 23.1 et seq.

Persons in parental relation of students who are to receive physical and dental examinations or screenings shall be notified. The notice shall include the date and location of the examination or screening and notice that the person in parental relation may attend. The notice shall encourage the **person in parental relation** ~~parent/guardian~~ to have the examination or screening conducted by the student's private physician or dentist at the person in parental relation's expense to promote continuity of care. Such statement may also include notification that the student may be exempted from such examination or screening if it is contrary to the person in parental relation's religious beliefs.

SC 1405  
28 PA Code 23.2  
20 U.S.C. 1232h

A student who presents a statement signed by the person in parental relation that a **health** ~~medical~~ examination is contrary to **the student's or person in parental relation's** religious beliefs shall be examined only when the Secretary of Health determines that facts exist indicating that **certain conditions** ~~the student~~ would present a substantial ~~health~~ menace to the health of others in contact with the student if the student is not examined **for those conditions**.

SC 1419  
28 PA Code 23.45

Where it appears to school health officials or teachers that a child deviates from normal growth and development or where school examinations reveal conditions requiring health or dental care, the person in parental relation shall be notified of the apparent need for special examination by the student's private physician or dentist. The person in parental relation shall report to the school whether a special examination occurred within a reasonable time after being notified of the apparent need and the abnormal condition persists, appropriate school health personnel shall arrange a special **health** ~~medical~~ examination for the student.

SC 1402, 1406  
22 PA Code 12.41

In the event that the person in parental relation objects to or refuses to obtain a regular or special **health** ~~medical~~ or dental examination or refuses to permit the child to be examined as arranged by the school nurse or school physician, the school nurse, in consultation with the school physician, shall determine whether the student appears to have unaddressed health

<b>POLICY NO. 209 HEALTH EXAMINATIONS/SCREENINGS</b>	
<p>conditions such that under the circumstances the refusal should be reported to the PAennsylvania Department of Health or other appropriate authorities.</p>	
<p>Where school health officials or staff have reasonable cause to suspect that a student may be the victim of child abuse, the school employee shall make a report of suspected child abuse in accordance with law and Board policy.</p>	<p>23 PA Code 6311 Pol. 806</p>
<p><b><u>Health Monitoring</u></b></p>	
<p>The Board directs district staff to monitor student health in accordance with applicable Board policy and the Board-approved health and safety plan.</p>	<p>Pol. 203</p>
<p>A student may request an alternative method of monitoring as a religious accommodation, and designated district staff shall assess and respond to such request in accordance with applicable law, regulations and Board policy. A request for an accommodation that would unreasonably impair safety or cause undue hardship will not be granted.</p>	<p>Pol. 103</p>
<p>A student with a health condition that may render a monitoring method ineffective should notify designated staff so that alternative or supplemental methods may be considered.</p>	<p>Pol. 103, 103.1</p>
<p>Students who may be exhibiting symptoms that indicate health concerns shall be referred to the school nurse or designated staff for further assessment and response, in accordance with Board policy.</p>	<p>Pol. 203</p>
<p><b><u>Health Records</u></b></p>	
<p>The District shall maintain for each student a comprehensive health record which includes a record of immunizations and the results of tests, measurements, regularly scheduled examinations and special examinations.</p>	<p>SC 1402</p>
<p>All health records shall be confidential and shall be disclosed only when necessary for the health of the student or when requested by the person in parental relation, in accordance with law and Board policy.</p>	<p>SC 1409 Pol. 113.4, 216</p>

<b>POLICY NO. 209 HEALTH EXAMINATIONS/SCREENINGS</b>		
	<p>The District may disclose information from health records to appropriate parties in connection with an emergency when necessary to protect the health or safety of the student or other individuals, in accordance with applicable law and Board policy.</p>	<p>SC 1409 20 U.S.C. 1232g 34 CFR Part 99 Pol. 113.4, 203, 216, 805</p>
	<p>Designated district staff shall request from the transferring school the health records of students transferring into district schools. Staff shall respond to such requests for the health records of students transferring from district schools to other schools.</p>	<p>SC 1409</p>
	<p>The District shall destroy student health records only after the student has not been enrolled in district schools for at least two (2) years.</p>	<p>SC 1409</p>
<b>Section 3</b>	<b><u>Delegation of Responsibility</u></b>	
	<p>The Superintendent or designee shall instruct all staff members to continually observe students for conditions that indicate health <del>concerns</del><del>problems</del> or disability and to promptly report such conditions to the school nurse <del>or designated staff</del>.</p>	<p>SC 1402</p>
	<p>The Superintendent or designee shall request an adequate health record from the transferring school for each student transferring into the District.</p>	<p>SC 1409</p>
	<p>The Superintendent or designee shall ensure that notice is provided to all <del>person(s) in parental relation</del><del>parents/guardians</del> regarding the existence of and eligibility for the Children’s Health Insurance Program (CHIP).</p>	<p>SC 1406</p>
	<p>Previously Revised: <a href="#">May 19, 2020</a>; April 30, 2015; October 19, 1998</p>	
	<p>References:</p>	
	<p>School Code – 24. P.S. Sec. 1401, 1402, 1403, 1405, 1406, 1407, 1409, 1419</p>	

**POLICY NO. 209**  
**HEALTH EXAMINATIONS/SCREENINGS**

State Board of Education Regulations – 22 PA Code Sec. 12.41

State Department of Health Regulations – 28 PA Code Sec. 23.1  
et seq., 23.2, 23.45

No Child Left Behind Act – 20 U.S.C. Sec. 1232h, 1232g

Family Education Rights and Privacy – 34 CFR Part 99

PA Child Abuse Reporting – 23 PA Code Sec. 6311

Board Policy – 113.4, 216, 805, 806

# Policy Guide



	<p style="text-align: center;"><b>POLICY NO. 256</b> <b><u>ANTI-BULLYING/CYBERBULLYING</u></b></p> <p><b>Section 1</b>     <b><u>Purpose</u></b></p> <p>The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.</p> <p><del>The Keystone Oaks School District recognizes that a student's ability to learn, and the District's ability to safely educate its students, is adversely affected by bullying. The School District seeks to avoid these adverse effects, maintain the safety of the school environment and provide opportunities to rehabilitate a student who has engaged in bullying.</del></p> <p><b>Section 2</b>     <b><u>Definitions</u></b></p> <p><b>Bullying</b> <del>means</del> <del>shall be defined as</del> an intentional <del>and unwelcome</del> electronic <del>(cyber)</del>, written, verbal, or physical act, or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent, or pervasive and has the effect of doing any of the following: <del>that has these characteristics:</del></p> <ol style="list-style-type: none"> <li><del>1. It is directed at another student or group of students.</del></li> <li><del>2. It is severe, persistent or pervasive.</del></li> </ol>	<p style="text-align: center;">SC 1303.1-A</p>
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**ANTI-BULLYING/CYBERBULLYING**

~~3. It has the effect of:~~

1. Substantially interfering with a student’s education.
2. Substantially disrupting the orderly operation of the school.
3. Creating a threatening environment.

**Bullying**, as defined in this policy, includes cyberbullying.

~~3.~~  
4. ~~Occurs in a “school setting.”~~ **“School setting ”** shall mean in the school, on school grounds, in school vehicles, on contracted school vehicles, at a designated bus stop, or ~~at~~**during** any activity sponsored, supervised, or sanctioned by the school and/or District. **This shall also include hours in which a student would be considered “present” during synchronous virtual instruction, anytime a student is using a district owned device, is on the district network and/or using a district provided learning management platform.**

~~5.~~  
The District reserves the right to investigate acts of bullying that occur outside the school setting if those acts meet the **definition of bullying requirements of number 3** (above).

~~Examples of bullying include, but are not limited to physically, emotionally or mentally harming a student; damaging, extorting or taking a student’s property; placing a student in reasonable fear of physical, emotional or mental harm; placing a student in reasonable fear of damage to or loss of personal property; creating an intimidating or hostile environment that substantially interferes with a student’s education opportunities; or perpetuation of conduct by an individual or group, with the intent to demean, and/or dehumanize a student.~~

~~**Cyber harassment of a child** is a form of bullying. A person commits the crime of cyber harassment of a child if, with intent to harass, annoy or alarm, the person engages in a continuing course of conduct of making any of the following by electronic means directly to a child or by publication through an electronic social media service:~~

SC 1303.1

~~Title 18 Sec. 2709~~

~~Title 18 Sec. 2709~~



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- ~~1. Seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity or mental or physical health or condition.~~
- ~~2. Threat to inflict harm.~~

~~The law makes cyber harassment of a child a third-degree misdemeanor, punishable by a maximum of \$2,500 fine and/or one year in prison. For a juvenile charged with the crime, a diversionary program, which might include an educational program on cyber harassment, would be considered first. Successful completion could lead to the juvenile's record being expunged.~~

~~Title 18 Sec. 2709~~

~~Title 18 Sec. 2709~~

~~**Course of Conduct**—A pattern of action composed of more than one act over a period of time, however short evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawing, caricatures or actions, either in person or anonymously.~~

~~Title 18 Sec. 2709~~

~~**Emotional distress**—A temporary or permanent state of mental anguish.~~

~~**Seriously disparaging statement or opinion**—A statement or opinion which is intended to and under the circumstances is reasonably likely to cause substantial emotional distress to a child of the victim's age and which produces some physical manifestation of the distress.~~

**Section 4**

**Authority**

The Board prohibits all forms of bullying by district students.

SC 1303.1-A

No student, person in parental relation, coach, sponsor, volunteer or district employee shall engage in, condone or ignore any form of hazing.

The Board encourages students who believe they or others have been bullied to promptly report such incidents to any staff member.

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Students are encouraged to use the District’s report form (103-AR-1), available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of bullying shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of bullying brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be bullying under this policy but merits review and possible action under other Board policies.

Title IX Sexual Harassment and Other Discrimination

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a bullying investigation, potential issues of discrimination are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.

Pol. 103, 103.1

Confidentiality

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

Retaliation

Reprisal or retaliation relating to reports of bullying or participation in an investigation of allegations of bullying is prohibited and shall be subject to disciplinary action.

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**Section 3**

**Delegation of Responsibility**

Every student and employee shall ~~betake the responsibility of~~ to respecting the rights of others and ~~to ensure an atmosphere free of bullying~~ ~~creating a safe, caring, positive climate throughout the District.~~

The Superintendent or designee shall develop administrative regulations to implement this policy. In addition, the Administration will develop procedures for training all employees, including chaperones and sponsors on the Policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.

SC 1303.1-A

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years at a minimum and recommend necessary revisions to the Board.

SC 1303.1-A

District administration shall annually provide the following information with the Safe School Report:

SC 1303.1-A

1. Board's Bullying Policy
2. Report of bullying incidents
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

The Administration is directed to evaluate the need, if any, for District-wide or building-level evidence-based bullying prevention programs, and to report its findings to the Board ~~of School Directors~~ with appropriate recommendations.

The Administration is directed to continue to assess, and to make recommendations to the Board ~~of School Directors~~, for any appropriate changes to existing intervention programs and practices in place to address the needs of students who are bullied, and the issues relating to students who engage in bullying.

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**Section 3**

**Guidelines**

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.

SC 1303.1-A  
22 PA Code 12.3  
Pol. 218

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.

SC 1303.1-A

Education

The District shall develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.

SC 1302-A,  
1303.1-A  
20 U.S.C. 7118

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:

1. Counseling within the school.
2. Parental/person in parental relation conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Counseling/Therapy outside of school.

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10. Referral to law enforcement officials.

~~It shall be a violation of District Policy for any student or adult to engage in, encourage and/or condone, or communicate, any form of bullying. It shall also be a violation of Policy for any employee, approved volunteer or chaperone of the School District to encourage and/or condone, through action or lack of action, any form of bullying. This prohibition shall apply to all acts of bullying that occur on school district property, at school district functions (whether on school property or not), and/or on school district provided transportation. In addition, cyber harassment is a criminal offense under PA Act 26 of 2015 and may be deemed to have been committed at the place where the child who is the subject of the communication resides.~~

Pol. 103, 104

~~School District employees are required to report alleged violations of this Policy to the Building Principal or the Superintendent in accordance with the procedures set forth herein.~~

Dissemination of Policy

~~This Anti-bullying Policy will be disseminated annually to all school staff, students, and parents. It will be distributed each year to all students with a copy of the Code of Student Conduct or will be incorporated into the Handbook. Building administrators will develop a procedure for discussing the Policy with students in individual buildings. The Policy will also be posted on the District web page and published at a minimum of once each year in a District publication and be made available in every classroom. Information on the Anti-bullying Policy will also be incorporated in training programs for all new school employees, as well as being referenced in the staff handbooks.~~

General Procedures Relating to Complaint

~~Each student shall be advised that the fact that he/she alleges bullying by another student or who reports an incident of bullying will not reflect upon the student's status. Any retaliation~~

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~~based upon a student's good faith initiation of a complaint, participation in the investigation of a complaint, or provision of information relating to a bullying complaint is prohibited and will result in disciplinary action. If any student believes he or she is being retaliated against for filing a complaint under this policy, or the student's parent believes that his/her child is being retaliated against for filing a complaint under this policy, he or she shall report the retaliations in the same manner as indicated below.~~

~~The Principal of the building to which the alleged victim is assigned will investigate all complaints, PROVIDED HOWEVER, that if the complaint alleges that the perpetrator of the bullying is an Administrator or Supervisor employed by the School District and it is alleged that the Administrator or Supervisor encouraged, condoned, or turned a blind eye to the bullying of the alleged student victim, the Superintendent or his designee shall investigate the complaint.~~

Investigation Procedure

- ~~1. Separate interviews of the Complainant and the alleged perpetrator will be conducted and all information will be documented in written form on Form A. Each of the involved individuals will be asked to sign an Acknowledgment of the statements provided during the interview. At the time of the interview, a copy of this Policy will be provided to the individuals involved and the Policy and complaint procedure will be reviewed with each individual.~~
- ~~2. During the interviews each individual will be given the opportunity to state his/her side of the incident, to identify any witnesses to corroborate his/her statements, and to provide input as to the possible resolution of the situation. Each student may have his or her parent or guardian present during the interview and parental involvement in this process will be encouraged.~~

~~If the Building Principal/Superintendent determines that measures are required during the period of investigation to alleviate the potential bullying, such a separation of~~

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~~the alleged victim and the alleged perpetrator or close monitoring of the alleged perpetrator, such measures shall be taken until the investigation is completed.~~

- ~~3. A fact finding investigation will be conducted and a written record of the fact finding investigation including witness interviews, findings of the investigation and recommended action shall be set forth on Form B.~~
- ~~4. The results of the fact finding investigation, including any recommended action will be shared with the Complainant and with the Accused.~~
- ~~5. If the Building Principal has conducted the investigation, he/she shall report his/her findings to the Superintendent. The Superintendent may consult with the Solicitor or special counsel as appropriate, in instances where disciplinary action is contemplated.~~
- ~~6. If the investigation results in a finding that a student has engaged in bullying in violation of this Policy, the Building Principal shall determine the appropriate discipline to be imposed, which may include, but not be limited to, suspension from school, or a recommendation to the Superintendent that the student be expelled from school following a hearing before the Board. In determining the level of discipline to be imposed, the Building Principal shall consider:
  - ~~a. The prior disciplinary record of the student perpetrator.~~
  - ~~b. The relative ages and maturity levels of the students.~~
  - ~~c. The nature and frequency of the inappropriate conduct by the student perpetrator toward the student victim.~~
  - ~~d. The degree of harm experienced by the student victim.~~~~

Pol. 218

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- ~~e.—The extent, if any, to which the student perpetrator encouraged or involved other students in the bullying of the student victim.~~
- ~~f.—Any other circumstances or factors deemed relevant on this issue.~~

Previously Revised: November 20, 2018; December 15, 2015;  
December 6, 2012

References:

School Code – 24 P.S. Sec. 1301.1

Board Policy – 103, 104, 218, 848

Title 18 (Crimes and Offenses) – Sec. 2709