

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

Authority

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

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

The District is committed to the maintenance of a safe, positive learning environment for all students that is free from all forms of unlawful discrimination, harassment and retaliation, by providing all students course offerings, counseling, assistance, services, athletics and extracurricular activities without any form of unlawful discrimination, harassment, or retaliation, including but not limited to Title IX sexual harassment and retaliation. Such unlawful conduct is inconsistent with the rights of students and the educational and programmatic goals of the District.

Prohibited Conduct

1. Unlawful Harassment Including Title IX Sexual Harassment

The Board prohibits, on District property and in other settings under the jurisdiction of the District including but not necessarily limited to school-sponsored activities, all forms of unlawful harassment of employees, independent contractors, volunteers, applicants for employment, volunteer service or service as an independent contractor, students and third parties, by all District students and employees, contracted individuals and volunteers, and business invitees, and anyone else who is prohibited by law from engaging in such activities in the District's education program or activities. Prohibited conduct that occurs outside of the District's jurisdiction may also be subject to this Policy depending upon the effect upon or link to the school environment.

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

2. Unlawful Discrimination

Unlawful discrimination against any District employee, independent contractor, volunteer, or applicant for any such position, or any student or third party, by a District employee, independent contractor, or volunteer, the District's Board of Directors, or a student, and by anyone else who is prohibited by law from engaging in unlawful discrimination as related to the District's educational programming and in the course of District-sponsored programs or activities, is prohibited in all hiring, termination and employment related decisions and during the District's educational programming and in the course of District-sponsored programs or activities, including transportation to or from school or school-sponsored activities or in the provision of access to District-sponsored programs or activities.

3. Retaliation

The Board prohibits actions by any person prohibited from engaging in unlawful harassment or discrimination as listed above, against any other person protected from such conduct as listed above, including but not limited to, intimidation, threats, coercion, or discrimination or other adverse action because a person reports discrimination or harassment, participates in an investigation or other process addressing discrimination or harassment, or acts in opposition to discriminatory practices.

Dissemination

The Board directs that the above statement of Board policy (the sections "Authority"

and "Prohibited Conduct" above) 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 unlawfully discriminate, harass or retaliate against students, employees, independent contractors or volunteers, or applicants for those positions, or any third parties, in any manner, including Title IX sexual harassment and retaliation, to be issued to all students, parents/guardians, employment applicants, employees, independent contractors and applicants for independent contractor positions, volunteers and applicants for volunteer positions, and all unions or professional organizations holding collective bargaining or professional agreements with the District. All such notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Title IX Coordinator.

The District's Title IX Coordinator is:

Mrs. Nicole Bockstoe

Coordinator of Student Services and

Federal Programs Coordinator

2020 West Pike Street

Houston, PA 15342

(724) 746-1400, ext. 109

nicole.bockstoe@chartiers-houstonisd.com

Definitions and Prohibited Conduct_

Definitions

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

Respondent shall mean an individual alleged to be the perpetrator.

The definition of Title IX sexual harassment and retaliation, and all other terms related to Title IX violations and procedures, are found in Attachment 3 to this Policy.

The definitions of unlawful harassment, discrimination and retaliation separate

from Title IX violations are found in Attachment 2 to this Policy.

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

Individuals who have experienced, or believe that they or another has experienced Title IX sexual harassment or retaliation or other unlawful harassment, discrimination or retaliation, or bullying or hazing, are encouraged to report the same.

District employees, independent contractors and volunteers are required to report such violations or suspected violations against others. Any District employee, volunteer or independent contractor who receives an oral report of such alleged conduct must immediately notify the Title IX Coordinator through making an oral or written report.

Written reports can be made using Attachment 1 to this Policy, the "Title IX Sexual Harassment/Retaliation/Other Unlawful Harassment, Discrimination or Retaliation/Bullying/Hazing Report Form."

The Title IX Coordinator shall receive the report and proceed as appropriate, per the instructions in Attachment 2 or 3.

Confidentiality

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

Delegation of Responsibility

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

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

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - Provide training for supervisors, students and staff to prevent, identify and alleviate problems of unlawful discrimination and harassment,

including Title IX sexual harassment and all unlawful retaliation.

3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to the police, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources including counseling resources.
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 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, procedures, and guidance and counseling materials for stereotyping and unlawful discrimination.
7. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing reports and formal complaints.

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

Title IX Sexual Harassment Training Requirements

The Title IX Coordinator, investigator(s), decision-maker(s), appeal authority, or any individual designated to facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
2. Scope of the District's education program or activity, as it pertains to what is subject to Title IX regulations.
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

5. Use of relevant technology.
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.
8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

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

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

Grievance Process Requirements

The District's formal Title IX grievance process will:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
2. Follow **to completion** (issuance of Investigative Report and Written Determination) the grievance process set forth in Attachment 3, which complies with the requirements of Title IX, **before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent**, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise. Such remedies may include the same individualized services defined in Attachment 3 as "supportive measures." However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise.
3. Require training of key personnel, as stated in this Policy.
4. Include the following presumption: The District shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints, unless a resolution agreed to between the parties as part of the

informal resolution process provides otherwise.

5. Describe the range of possible disciplinary sanctions.
6. State the standard of evidence to be used in determining responsibility.
7. Include the procedures and permissible bases for the complainant and respondent to appeal.
8. Describe the range of supportive measures available to complainants and respondents.

UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION COMPLAINT PROCEDURES

These procedures apply to reports of unlawful harassment or discrimination based on any of the legally protected characteristics described herein, other than Title IX sexual harassment.

These procedures also apply to reports of any retaliation other than retaliation related to Title IX sexual harassment, against any individual for taking any protected action with respect to unlawful harassment or discrimination as described herein.

All reports under these procedures 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 procedures set forth in Policy 103 Attachment 3 for Title IX sexual harassment formal complaints and formal grievance process shall be followed. See Attachment 3 for a full discussion of how the Title IX Coordinator makes determinations regarding the applicability of various procedures/policies to different types of allegations.

Definitions and Prohibitions

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: Actions by a person/entity in one of the categories of individuals/entities prohibited from engaging in such conduct under Paragraph 2 ("Unlawful Discrimination") of the "Prohibited Conduct" section of Policy No. 103, to treat differently a person in one of the categories of individuals protected under that same section based on one or more legally protected characteristic, specifically, race, color, age (regarding the protected class of individuals over age 40), religion, sex, (including pregnancy, sexual orientation, gender identity, gender expression, sex assigned at birth, transgender identity, and gender transition), ancestry, national origin, familial or marital status, or handicap/disability or known relationship or association with a disabled person, possession of a GED rather than a high school diploma, or use of a guide or support animal due to physical handicap or because the user is a handler or trainer, or any other protected class as set forth under applicable state, federal or local laws, regulations or ordinances.

Harassment: Actions by a person in one of the categories prohibited from engaging in such conduct under Paragraph 1 ("Unlawful Harassment") of the "Prohibited Conduct" section of Policy No. 103 to harass any of the individuals protected in that same provision.

Unlawful harassment (other than Title IX sexual harassment, which is defined in Attachment 3) is defined as unwelcome harassing conduct based on one or more of the legally protected characteristics listed above under "Discrimination." Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendos; comments; written or graphic materials; stereotyping; hate speech; or other threatening, hostile, or intimidating speech or actions based on any of the protected characteristics listed above.

The victim does not have to be the person harassed but can be any person protected from harassment under Policy No. 103 who has been affected by the offensive conduct.

Unlawful harassment can fall under either or both of the two (2) categories listed below:

- a. **quid pro quo harassment:** submission to or rejection of the harassment is either explicitly or implicitly made a term or condition of an individual's current or continued employment/service or academic status or access to the District's programs or services or is used as the basis for employment/service, academic or access decisions affecting an individual; or
- b. **hostile environment harassment:** intentional unlawful harassment that is sufficiently severe or pervasive to create an environment that a reasonable person as well as the alleged victim would or did find intimidating, hostile or abusive or creates an intimidating, threatening or abusive 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, programs or opportunities offered by the District.

Retaliation shall mean actions including, but not limited to, intimidation, threats, coercion, or discrimination or other adverse action 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 in accordance with the Americans With Disabilities Act, the Individuals With Disabilities in Education Act, and Section 504 of the Rehabilitation Act, as applicable, and shall 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.

Required Reporting Under Other Policies

If at any time, a person making a report and/or the Title IX Coordinator believes that reported conduct meets the definition of conduct prohibited under other laws, regulations or or Board policies or Codes of Conduct, the person(s) who is/are aware of the conduct shall make all other

required reports, including but not limited to reports of incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse.

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

I. Reporting

Any person, regardless of whether or not he or she is the alleged victim (complainant) or any other person, may report alleged unlawful harassment, discrimination or retaliation. Reports may be made using Section One of the "Title IX Sexual Harassment/Retaliation/Other Unlawful Harassment, Discrimination or Retaliation/Bullying/Hazing Report Form" (Attachment 1 to Policy No. 103), also referred to as "the Report Form," or by making a general report verbally or in writing to the Title IX Coordinator.

District employees, independent contractors and volunteers are required to report such violations or suspected violations against others. Any District employee, volunteer or independent contractor who receives an oral or written report of alleged unlawful harassment, discrimination or retaliation must immediately notify the Title IX Coordinator through making an oral or written report.

If the Title IX Coordinator is the subject of the complaint or may be biased or have a conflict of interest, the individual making the report shall report the same to the Business Manager using any of the following contact information:

Mr. Dennis Dydiw
Business Manager
2020 West Pike Street
Houston, PA 15342
(724) 746-1400, ext. 108
dennis.dydiw@chartiers-houstonsd.com

If the Title IX Coordinator receives the report but identifies herself as the respondent or believes that she has a bias or conflict of interest, she shall delegate all steps from this point forward, including the Initial Assessment and investigation, to the Business Manager.

All references to the Title IX Coordinator in these procedures shall be intended as references to the Business Manager in the event that the report is made to him due to the reasons described above.

Parents/Guardians of students have the right to act on behalf of a student who is the complainant or respondent at any time, subject to any rights that a student may have to act on his/her own behalf due to age or other reasons. Parents/guardians of students who are complainants, respondents or witnesses or are otherwise involved in these procedures shall be included in all notices sent under these procedures and included in all procedures unless it is unsafe for them to be notified or included, as discussed in Attachment 1, or unless there are other legal reasons for not including them.

If the Title IX Coordinator receives an oral report, he/she fill out Section One of the Report Form with information provided by the person making the report. The person making the report shall sign the Report Form where indicated, even if the information in the Report Form was filled in by the Title IX Coordinator.

If at any time, a person making a report and/or the Title IX Coordinator believes that reported conduct meets the definition of conduct prohibited under other laws, regulations or Board policies or Codes of Conduct, the person(s) who is/are aware of the conduct shall make all other legally required reports, including but not limited to reports of incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse.

The obligation to conduct an investigation under this Attachment 2 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 Title IX Coordinator shall coordinate with any other ongoing investigations of the allegations, including potentially agreeing to a 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 without good cause beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for any delay shall be documented by the Title IX Coordinator.

II. Initial Assessment and Next Steps

The Title IX Coordinator shall perform the Initial Assessment set forth in Attachment 3 to Policy No. 103 (Steps 1. and 3. of the Initial Assessment) and fill out the Report Form accordingly.

When the Title IX Coordinator determines that a report could potentially constitute Title IX sexual harassment, she shall proceed to the "Title IX Pre-Complaint Steps" listed in Policy No. 103 and Attachment 3 to that Policy.

If any of the allegations could potentially constitute Title IX violations, even if those same allegations or additional allegations in the report could potentially also constitute violations of other policies or could constitute other unlawful harassment, discrimination or retaliation, all allegations will be investigated under the formal Title IX grievance process listed in Attachment 3. **If the Title IX Coordinator has any doubt as to whether the allegations could potentially constitute Title IX sexual harassment, he/she shall assume that they do, and shall follow the "Title IX Pre-Complaint Steps."**

If the Title IX Coordinator is certain that the allegations could not potentially constitute Title IX sexual harassment, then he/she shall indicate on the Report Form, Section Two, the policy(ies), if any, which are implicated as potentially having been violated instead and shall follow the Policies/procedures for addressing such violations.

For allegations of other unlawful discrimination, harassment or retaliation under Policy No. 103 that do not include Title IX sexual harassment or retaliation, the procedures under this Attachment 2 shall be followed. This shall be the case even if the allegations also implicate another Policy, such as those addressing bullying or hazing.

If the allegations involve potential violations of any other Policies besides Policy No. 103, the Title IX Coordinator shall follow any investigation and related procedures under any other implicated Policies, to the extent that those procedures do not duplicate the procedures under Attachment 2 or 3 to Policy No. 103 and shall delegate the matter to any individuals who are directed to handle such allegations under the applicable policies.

As part of the Initial Assessment, the Title IX Coordinator shall also determine whether to dismiss the report and take no further action. The report may only be dismissed at this stage if it is clearly unfounded or clearly does not even potentially meet the elements of a Title IX violation or any other Policy violation and further investigation would not reveal that the report is founded or meets any such elements.

If the matter proceeds under this Attachment 2, all of the following shall apply.

III. Initial Communications/Supports

The complainant shall be informed about the Board's Policy on discrimination, harassment and retaliation, including the right to an investigation of both verbal and written reports of discrimination. A copy of Policy No. 103 and of this Attachment 2 will be provided to the complainant. The Title IX Coordinator shall provide to the complainant factual information regarding the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. The Title IX Coordinator shall handle the report objectively, neutrally and professionally.

The Title IX Coordinator and other appropriate individuals shall promptly implement appropriate measures to protect the complainant and others as necessary from violations of Policy No. 103 throughout the course of the investigation, and to ensure the health, safety and welfare of all affected individuals.

The Title IX Coordinator shall request consent from parents/guardians to initiate an investigation where the complainant is under age eighteen (18) or is otherwise not legally able to give consent, and shall otherwise seek consent from the complainant. The Title IX Coordinator shall inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure, except where not legally appropriate. When a parent/guardian/complainant requests confidentiality and will not consent to the complainant's participation in an investigation, the Title IX Coordinator shall explain that the district 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.** Attachment 4 shall be sent to families requesting confidentiality.

The Title IX Coordinator 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 Resolution -

At any time after a report has been made but prior to a decision being reached on the merits of the report, if the Title IX Coordinator believes the circumstances are appropriate, the Title IX Coordinator may offer the parties involved in the complaint the opportunity to participate in an informal resolution process to address the reported conduct. The rules and procedures governing the informal resolution process shall be the same as those set forth in Attachment 3.

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

IV. Investigation

When the District moves forward with investigating a report, the report shall also be referred to as a complaint.

The Title IX Coordinator shall conduct the investigation unless he or she is the subject of the complaint, has or may have a bias or conflict of interest, in which case, the Business Manager shall conduct the investigation. When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Title IX Coordinator shall provide the parent/guardian 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. (Attachment 4 to Policy No. 103.)

The Title IX Coordinator shall assess the anticipated scope of the investigation, who needs to be interviewed and what records or evidence may be relevant to the investigation. Appropriate notice of the allegations and opportunity to prepare for interviews, as well as all other appropriate steps of due process, shall be provided to the complainant and the respondent.

The Title IX Coordinator 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 or whether the allegations otherwise fall under the jurisdiction of the District.

The investigation shall consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator shall also evaluate any other information and materials relevant to the investigation. The person making the report, complainant, respondent 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 (employees, including independent contractors and volunteers, are required to report retaliation).

Throughout the investigation procedures, the District shall comply with the Americans With Disabilities Act, the Rehabilitation Act, the Individuals With Disabilities Education Act, and Section 504 of the Rehabilitation Act as applicable to any individual, and shall 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.

The District may consolidate complaints against more than one (1) respondent, or by more than one (1) complainant against one or more respondents, or by one (1) party against the other party, where the allegations arise out of the same facts or circumstances. Where the investigation process involves more than one complainant or more than one respondent, references in these procedures to any singular shall include the plural, as applicable.

V. Withdrawal and Dismissal

At any point in the investigative process, the complainant may advise the Title IX Coordinator that he or she wishes to withdraw the complaint. The Title IX Coordinator shall then determine whether to proceed with the matter despite the complainant's request to withdraw, if the interest of justice or ensuring that harassment, discrimination or retaliation are addressed and do not continue, merits continuing with the investigation.

The District **may** decide not to proceed, and to dismiss the complaint, or allegations within the complaint, if the complainant withdraws the same, if the respondent is no longer enrolled in or employed by the District, or if specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.

The District **must** dismiss the complaint, or allegations therein, if it is determined that the conduct, even if proven, does not constitute harassment, discrimination or retaliation.

If a complaint is dismissed in whole or in part, then any allegations **that are separate from harassment, discrimination or retaliation allegations** will be addressed under the appropriate policy. If the allegations have been sufficiently investigated at that point under the procedures of this Attachment 2, additional investigation under another policy is not necessary; however, the District shall undertake such additional investigation as may be necessary to reach a conclusion as to culpability and consequences. Consequences shall be applied under the appropriate policy.

If a complaint proceeds to a full resolution under these procedures (written determination is issued, appeal rights are offered, and an appeal, if any, is decided), this process will be sufficient for determining responsibility on all allegations, regardless of whether or not they are all allegations of harassment, discrimination and/or retaliation, and will be sufficient for applying consequences, except where another relevant policy may require additional steps or may include additional consequences.

Upon dismissal of a complaint or any allegations therein, the Title IX Coordinator will promptly send written notice of the dismissal and the reasons therefore to the parties simultaneously, as well as notice of the parties' appeal rights, as discussed later in this Attachment 2.

VI. Investigative Report and Superintendent's Decision

The Title IX Coordinator shall prepare and submit a written Investigative Report to the Superintendent within thirty (30) school days of the initial report of alleged discrimination, harassment or retaliation, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the Title IX Coordinator 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.

If the Superintendent is the subject of the report or may have a bias or conflict of interest, the building principal whose jurisdiction is most relevant to the allegations shall decide the matter.

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 any other violations of law or Board policy which may warrant further District action, and a recommended disposition of the complaint.

The Investigative Report shall be provided to the Superintendent. The Superintendent shall consider the Investigative Report, the record as a whole and the totality of the circumstances and shall determine 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 instances are not severe.

The Superintendent shall issue a Written Determination with respect to whether or not a violation constituting harassment, discrimination or retaliation has occurred, the rationale for that finding, and the consequence or consequences to be applied, along with any supportive or other remedial measures. The Written Determination shall be for internal purposes only, to be used for internal recordkeeping and sharing with District personnel on a need-to-know basis. The parties will be advised of the outcome as described below.

If the Superintendent believes that additional information is needed in order to make this determination, he shall direct the Title IX Coordinator to conduct such additional investigation as may be necessary to obtain all required information to make a decision.

The complainant and the respondent shall be informed of the outcome of the investigation (whether unlawful harassment, discrimination or retaliation is found to have occurred or another violation is found to have occurred), within a reasonable time of the submission of the written Investigative Report to the Superintendent, to the extent permitted by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The complainant shall not be notified of discipline applied to the respondent. The respondent shall not be notified of the individual remedies offered or provided to the complainant or to any other individual unless the respondent's knowledge of the same is necessary for the measures to be implemented. All others will be informed of discipline and remedies on a need to know basis only.

VII. District Action

If the investigation results in a finding that some or all of the allegations of the 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. The Title IX 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 instead of or in addition to violations of Policy 103, 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 and administrative regulations, District procedures, applicable collective bargaining agreements, Act 93 Plans, other compensation plans and/or individual contracts and state and federal laws and regulations.

VIII. Appeal Procedure

If the complainant or the respondent is not satisfied with a finding made pursuant to these procedures, he/she may submit a written appeal to the Title IX Coordinator within fifteen (15) school days of receiving notification of the outcome of the investigation. The Title IX Coordinator shall designate the appeal authority, which may be the Board, a committee of the Board, the Solicitor or outside counsel, or other appropriate authority as designated by the Title IX Coordinator. The appeal shall be forwarded to the designated appeal authority by the Title IX Coordinator.

The appeal authority shall review the investigation and the Investigative Report and Written Determination 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 designated appeal authority shall prepare and provide to the parties a written response to the appeal within thirty (30) school days of the date on which the appeal was filed.

Copies of the written response shall be provided simultaneously to the complainant and respondent and their parents/guardians as applicable, as well as to the Superintendent or the building principal if the building principal issued the Written Determination, and the Title IX Coordinator.

IX. Recordkeeping

The District shall maintain the following records for a period of a minimum of seven (7) years after conclusion of the investigation 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. Records of each investigation, including but not necessarily limited to the report/complaint, Investigative Report, 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 and any other remedial measures taken.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train District personnel on these procedures and Policy No. 103.
5. Records of any District actions, including any supportive measures, taken in response to a complaint of harassment, discrimination or retaliation. 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. The documentation of certain matters does not limit the District in the future from providing additional explanations or detailing additional measures taken.

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TITLE IX SEXUAL HARASSMENT/RETALIATION PROCEDURES AND
GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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

All other reports of unlawful discrimination, harassment or retaliation shall follow the complaint procedures established in Policy 103 Attachment 2.

"Sexual harassment" shall include retaliation related to protected activity relative to allegations of sexual harassment.

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 or secondary school, other than the respondent. 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.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

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.

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

Inculpatory evidence means evidence tending to incriminate the accused or which indicates 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.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation means actions including, but not limited to, intimidation, threats, coercion, or discrimination against an alleged victim or other person because they report conduct that may constitute Title IX sexual harassment, participate in an investigation or other process addressing Title IX sexual harassment, or act in opposition to Title IX sexual harassment.

The following actions shall not constitute retaliation:

1. An individual exercising free speech under the rights protected by the First Amendment.

The assignment of consequences consistent with Board policy and applicable Code(s) of 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, Student Assistance 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.

Supportive measures shall be kept confidential to the extent that doing so will not impair the ability of the District to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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), positive behavior support plan (PBSP), or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, performing 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.

The harassment at issue 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. **(Note: In order to be retaliation under Title IX, the conduct does not necessarily need to have taken place in the above-referenced setting and against a person in the U.S. as required for Title IX sexual harassment.)** 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 AND RETALIATION PROCEDURES

The procedures set forth herein apply to allegations of both sexual harassment under Title IX and allegations of retaliation related to Title IX sexual harassment, all of which shall be collectively described herein as "sexual harassment" or "Title IX sexual harassment."

I. Reports and Response

A. Making and Receiving Reports

The following individual is hereby designated as the District's Title IX Coordinator. All reports of sexual harassment are to be made to the Title IX Coordinator using any of the following contact information for the Title IX Coordinator:

Mrs. Nicole Bockstoe
Coordinator of Student Services and
Federal Programs Coordinator
2020 West Pike Street
Houston, PA 15342
(724) 746-1400, ext. 109
nicole.bockstoe@chartiers-houstonisd.com

Any person, regardless of whether or not he or she is the alleged victim (complainant) or any other person, may report alleged Title IX sexual harassment. Reports may be made using Section One of the "Title IX Sexual Harassment/Retaliation/Other Unlawful Harassment, Discrimination or Retaliation/Bullying/Hazing Report Form" (Attachment 1 to Policy No. 103), also referred to as "the Report Form," or by making a general report verbally or in writing to the Title IX Coordinator.

District employees, independent contractors and volunteers are required to report such violations or suspected violations against others. Any District employee, volunteer or independent contractor who receives an oral or written report of alleged Title IX sexual harassment must immediately notify the Title IX Coordinator through making an oral or written report.

A report may be made at any time, including during nonbusiness hours.

If the Title IX Coordinator is the subject of/respondent in a complaint, or is believed to have a bias or conflict of interest, the Report shall be made to the Business Manager, using any of the following contact information:

Mr. Dennis Dydiw
Business Manager

2020 West Pike Street
Houston, PA 15342
(724) 746-1400, ext. 108
dennis.dydiw@chartiers-houstonisd.com

If the Title IX Coordinator receives the report but identifies herself as the respondent or believes that she has a bias or conflict of interest, she shall delegate all steps from this point forward, including the Initial Assessment and investigation, to the Business Manager.

All references to the Title IX Coordinator in these procedures shall be intended as references to the Business Manager in the event that the report is made to him or the matter is investigated by him due to any of the reasons described above.

Parents/Guardians of students have the right to act on behalf of a student who is the complainant or respondent at any time, subject to any rights that a student may have to act on his/her own behalf due to age or other reasons. Parents/guardians of students who are complainants, respondents or witnesses or are otherwise involved in these procedures shall be included in all notices sent under these procedures unless it is unsafe for them to be notified, as discussed in Attachment 1, or unless there are other legal reasons for not including them.

If the Title IX Coordinator receives an oral report, she shall fill out Section One of the Report Form with information provided by the person making the report. The person making the report shall sign the Report Form where indicated, even if the information in the Report Form was filled in by the Title IX Coordinator.

If at any time, a person making a report and/or the Title IX Coordinator believes that reported conduct meets the definition of conduct prohibited under other laws, regulations or Board policies or Codes of Conduct, the person(s) who is/are aware of the conduct shall make all other legally required reports, including but not limited to reports of incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse.

The obligation to conduct a Title IX 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 Title IX Coordinator shall coordinate with any other ongoing investigations of the allegations, including potentially agreeing to a 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 without good cause beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation, and the reason for any delay shall be documented by the Title IX Coordinator.

B. Initial Assessment

1. Determining Which Policy(ies) Are Implicated

After receiving a written report or completing Section One of the Report Form for a an oral report, the Title IX Coordinator shall determine whether any of the allegations could potentially constitute Title IX sexual harassment, or other unlawful discrimination, harassment or retaliation, or a violation of any other Policy.

As soon as possible after determining that any of the allegations could potentially constitute Title IX sexual harassment, the Title IX Coordinator shall offer supportive measures to the complainant. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall take all initial steps as necessary to determine how to proceed as discussed above. This is not required to include, but may include as necessary, initial interviews of the reporter, complainant, respondent, and/or witnesses or other individuals potentially having relevant information, and/or initial review of evidence. The Title IX Coordinator shall also 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. The above steps shall be considered part of the "Initial Assessment." (See Sections B. 2. and 3. for the other aspects that are included in the Initial Assessment.)

The Title IX Coordinator shall also document and attach to the Report Form, all specific facts revealed in the Initial Assessment, including any written statements, interview summaries, and other pertinent information.

Interviews conducted during this phase are not part of the formal grievance procedure. Information or statements obtained from individuals who are interviewed during this Initial Assessment phase can be used in the formal grievance process as part of the investigation report or written determination as long as the individual who was interviewed during this Initial Assessment phase is given another opportunity to be interviewed to confirm and supplement the information provided during the Initial Assessment, by being offered the opportunity to be interviewed under the formal grievance procedures.

The Title IX Coordinator shall fill out Section Two of the Report Form and shall state in this Section the Policy or Policies indicated by the report/initial assessment as potentially having been violated.

When the Title IX Coordinator determines that a report could potentially constitute Title IX sexual harassment, she shall proceed to the "Title IX Pre-Complaint Steps" listed in Policy No. 103 and this Attachment 3.

If any of the allegations could potentially constitute Title IX violations, even if those same allegations or additional allegations in the report could potentially also constitute violations of

other policies or could constitute other unlawful harassment, discrimination or retaliation, all allegations will be investigated under the formal Title IX grievance process listed in Attachment 3. **If the Title IX Coordinator has any doubt as to whether the allegations could potentially constitute Title IX sexual harassment, he/she shall assume that they do, and shall follow the "Title IX Pre-Complaint Steps."**

If the Title IX Coordinator is certain that the allegations could not potentially constitute Title IX sexual harassment, then he/she shall indicate on the Report Form, Section Two, the policy(ies), if any, which are implicated as potentially having been violated instead and shall follow the Policies/procedures for addressing such violations.

For allegations of other unlawful discrimination, harassment or retaliation under Policy No. 103 that do not include Title IX sexual harassment or retaliation, the procedures under Attachment 2 shall be followed. This shall be the case even if the allegations implicate another Policy, such as those addressing bullying or hazing.

If the allegations involve potential violations of any other Policies besides Policy No. 103, the Title IX Coordinator shall follow any investigation and related procedures under any other implicated Policies, to the extent that those procedures do not duplicate the procedures under Attachment 2 or 3 to Policy No. 103 and shall delegate the matter to any individuals who are directed to handle such allegations under the applicable policies.

As part of the Initial Assessment, the Title IX Coordinator shall also determine whether to dismiss the report and take no further action. The report may only be dismissed at this stage if it is clearly unfounded or clearly does not even potentially meet the elements of a Title IX violation or any other Policy violation and further investigation would not reveal that the report is founded or meets any such elements.

2. Individualized Safety and Risk Analysis

The Initial Assessment shall also consist of the following:

The Title IX Coordinator shall perform an individualized safety and risk analysis and determine whether emergency removal of a student or administrative leave of an employee or independent contractor, or other safety measures, are needed. The Title IX Coordinator may enlist the help of other District personnel as needed to perform this analysis.

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 arising from 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 take appropriate actions in accordance with Board policy and applicable laws and regulations. The respondent shall be provided with notice and an opportunity to challenge the decision immediately following removal.

The District can enact emergency removal before taking any other steps under Title IX or other procedures.

When emergency removal of a student is warranted, 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 procedures to address a student with a disability or who is thought to have a disability, as applicable. **These procedures are not to be considered disciplinary procedures to address the allegations of the complaint.**

Administrative Leave -

If a District employee or independent contractor is a respondent who is removed under the emergency removal provision above, he or she shall be placed on administrative leave or other appropriate leave pertaining to an independent contractor, for an appropriate time which may be throughout the pendency of the Title IX formal grievance process, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with all applicable laws and regulations, Board policy and any applicable collective bargaining agreement, individual contract, compensation plan or Act 93 Plan.

The Title IX Coordinator shall document on the Report Form (Section Two) all steps taken to ensure the health, safety and welfare of all involved.

3. IDEA/504 Issues

If the circumstances involve a student (respondent, complainant, reporter or witness) identified as or thought to be a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act, the District shall take these factors into account throughout the process of responding to the report and throughout any formal Title IX grievance procedures, including with respect to supportive measures and possible disciplinary implications. For non-students, the requirements of the Americans With Disabilities Act and the Rehabilitation Act, as applicable, shall be followed.

The District shall consider the impact of supportive measures on the provision of FAPE. The appropriateness of performing an FBA or other assessment on a student, and the point at which to perform the same during an Initial Assessment or formal grievance process, shall be determined on a case-by-case basis.

C. Confidentiality

Confidentiality regarding the allegations and the identity of the following individuals shall be maintained throughout the Initial Assessment and all next steps, except as may be permitted by law or regulations or as not otherwise prohibited by Title IX and in accordance with the District's legal and investigative obligations:

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

The District 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 District from responding effectively to the report.

The District has no obligation to offer confidentiality to a complainant/family beyond the general statement of confidentiality protections above. If a complainant/family requests confidentiality, the District will provide the letter at Attachment 4, but will not provide confidentiality or agree not to go forward with the investigation where the District's legal or investigative obligations preclude confidentiality or indicate it is appropriate to move forward with the investigation.

D. Title IX Pre-Complaint Steps

If, as a result of the Initial Assessment, the Title IX Coordinator believes that the allegations do or could potentially meet one or more of the aspects of the definition of Title IX sexual harassment or retaliation, the Title IX Coordinator will promptly:

1. Explain to the complainant that he or she may request that the District treat the report as a formal complaint of Title IX sexual harassment or retaliation by signing this form indicating the same. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of the District. Filing a formal complaint initiates the Title IX formal grievance procedures.
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 parents/guardians 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 parents/guardians 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 parents/guardians.

4. Determine what supportive measures may be offered to the respondent or any other involved individual. The Title IX Coordinator shall consider the Complainant's wishes with respect to supportive measures.
5. Determine whether the District will proceed with a formal complaint even if the complainant does not wish to do so.

The District is required to initiate the Title IX formal grievance process for formal complaints when a complainant or the complainant's parent/guardian files a formal complaint.

If the complainant does not wish for the 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. It may be clearly unreasonable not to initiate the formal complaint process if, for example, disciplinary action would be warranted if allegations are true (discipline cannot be imposed for alleged Title IX violations unless the formal complaint and grievance procedure are followed and result in a determination that discipline is appropriate, unless informal resolution is elected by the parties and the parties agree to the consequence); if the respondent is an employee; or if further investigation is needed to assess the extent of the behavior and impact on others. 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 Report Form to file or sign a formal complaint.

II. Formal Complaint and Title IX Formal Grievance Procedure

A. Notice Requirements

Upon receipt of a formal complaint, or when the Title IX Coordinator initiates the grievance process by signing and initiating a formal complaint, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians and advisors 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 offered. A copy of this Attachment 3 and Policy No. 103 shall be

included.

2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time given 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 (except when the parties agree to the informal resolution process and agree upon a resolution as a result of the same) 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, and notice that the advisor may be present in any grievance interview, meeting or proceeding, as well as notice that the District reserves the right to establish restrictions regarding the extent to which an advisor may participate in the formal grievance proceedings, and that any such restrictions shall apply equally to the complainant and the respondent. The District may establish any such restrictions in this notice.
5. Notice that Board policy and the District's Codes of Conduct prohibit knowingly making false statements or knowingly submitting false information to school officials during the grievance process.
6. Additional written notice must be provided to all known parties of any additional allegations that the District decides to investigate during the course of the investigation.
7. Notice that both the complainant and the respondent, their parents/guardians, and their advisor, if any, will be given an equal opportunity to inspect and review evidence directly related to the allegations raised in the formal complaint, and that any such evidence will be provided to both the complainant and the respondent, their parents/guardians, and their advisor, if any, in an electronic format or hard copy, prior to completion of the investigative report.
8. Notice that both the complainant and the respondent shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other evidence which either tends to prove or disprove any of the allegations of the formal complaint, as well as the procedures for submitting such witness names and evidence.

B. Grievance Process Requirements

1. The District shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance process for formal complaints, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise.
2. The District must follow **to completion** (issuance of Investigative Report and Written Determination and advising the parties of appeal rights) the grievance process set forth in this Attachment 3, which complies with the requirements of Title IX, before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent for alleged violations of Title IX, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise. Such remedies may include the same individualized services defined in this Attachment 3 as "supportive measures." However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent, unless a resolution agreed to between the parties as part of the informal resolution process provides otherwise.
3. Reasonably prompt timeframes are established herein 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:

- a. The absence of a party, a party's advisor or a witness.
 - b. Concurrent law enforcement activity.
 - c. Need for language assistance or accommodation of disabilities.
4. Throughout the Title IX sexual harassment procedures, the District shall comply with the Americans With Disabilities Act, the Rehabilitation Act, the Individuals With Disabilities Education Act, and Section 504 of the Rehabilitation Act as applicable to any individual, and shall 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.
 5. 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) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more

than one respondent, references in these procedures to any singular shall include the plural, as applicable.

C. Redirection or Dismissal of Title IX Formal Complaints

Formal complaints **may** be dismissed, either in whole or in part (specific allegations may be dismissed) if at any time prior to issuance of the Written Determination any of the following occur:

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 an education program or activity of the District.
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Formal complaints **must** be dismissed, either in whole or in part (mandatory dismissal may be limited to specific allegations) if at any time prior to issuance of the Written Determination any of the following occur:

1. It is determined that the conduct alleged in the formal complaint did not occur in the District's education program or activity.
2. It is determined that the conduct alleged in the formal complaint did not occur against a person in the United States.
3. It is determined that the conduct alleged in the formal complaint, even if proved, would not otherwise meet the definition of sexual harassment (including Title IX retaliation) as defined in Title IX and in this Attachment 3.

(Note: In order to be retaliation under Title IX, the conduct does not necessarily need to have taken place in a District education program or activity and against a person in the U.S. as required for Title IX sexual harassment.)

If a formal Title IX complaint is dismissed in whole or in part, then any allegations **that are separate from Title IX sexual harassment or retaliation allegations** will be addressed under the appropriate policy. If the allegations have been sufficiently investigated at that point under the procedures of this Attachment 3, additional investigation under another policy is not necessary; however, the District shall undertake such additional investigation as may be necessary to reach a conclusion as to culpability and consequences. Consequences shall be applied under the appropriate policy. **Allegations which are in whole or in part related to Title IX sexual harassment or retaliation will not result in consequences unless the formal**

grievance process has been completed to a full resolution or the matter is resolved with the consent of both parties in the informal grievance process.

If a formal Title IX complaint proceeds to a full resolution under the formal grievance procedures (written determination is issued, appeal rights are offered, and an appeal, if any, is decided), this process will be sufficient for determining responsibility on all allegations (those which are Title IX related and those which are independent of Title IX) and will be sufficient for applying consequences, except where another relevant Policy may require additional steps or may include additional consequences.

If a report of unlawful discrimination, harassment or retaliation proceeds to a full resolution under Attachment 2 (written determination is issued, appeal rights are offered, and an appeal, if any, is decided), that process will be sufficient for determining responsibility on all allegations, even those under other Policies besides Title IX allegations, and applying consequences, except where another relevant Policy may require additional steps or may include additional consequences.

Upon dismissal of a formal Title IX Complaint or any allegations therein, the Title IX Coordinator will promptly send written notice of the dismissal and the reasons therefore to the parties simultaneously, as well as the parties' appeal rights, as further discussed in Section I. of these procedures.

A dismissal may be appealed via the appeal procedures set forth in this Attachment (Section I.)

D. Informal Resolution Process

[Note: The informal resolution process cannot be offered or used to facilitate a resolution for any formal complaint where the allegations state that an employee sexually harassed a student.]

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 complaint.

The District may not require waiver of the right to an investigation and adjudication of a formal Title IX complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right. 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, discipline, a requirement to engage in specific services, and/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.
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. Conduct the informal resolution process within twenty (20) school days of the parties' signed agreement for the informal resolution process, unless good cause requires an extension.

The parties must mutually agree to the resolution. Any agreement reached as a result of the informal resolution process shall be reduced to a written resolution agreement, which shall be effective when fully executed. (Signed by the complainant and respondent and/or any parent/guardian acting on their behalf.) Both parties will be provided with a copy of the resolution agreement. At any time prior to full execution of a resolution agreement, either party may withdraw from the informal resolution process.

Within twenty (20) school days after full execution of the resolution agreement, 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.**

E. Investigation

1. The Title IX Coordinator shall investigate the allegations of the formal complaint.

The Title IX Coordinator shall assess the scope of the investigation, including 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 of the date of the formal complaint, except when good cause merits a longer time period.

2. When investigating a formal complaint, the Title IX Coordinator shall:
 - a. 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.
 - b. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
 - c. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
 - d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
 - e. Provide the parties with the same opportunities to have others present during any interview or other meeting, or grievance proceeding, 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.
 - f. Provide written notice to any party or witness whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
 - i. Date.
 - ii. Time.
 - iii. Location.
 - iv. Participants.
 - v. Purpose of all investigative interviews or other meetings.
 - vi. Right to have a parent/guardian and/or advisor of choice present
7. If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the complainant or respondent that are not included in the notice referenced at II.A. previously in these procedures, the Title IX Coordinator shall provide

additional notice to the parties whose identifies are known; additional notice shall be in the same form as that referenced at II.A. above. Additional interviews will be scheduled in accordance with f. above.

8. Any individual who was interviewed during the Initial Assessment phase must be given another opportunity during this formal investigation phase to be interviewed to confirm and supplement the information provided during the Initial Assessment. Notice of any additional interviews shall be sent in the format prescribed at f. above.

F. Investigative Report

1. The Title IX Coordinator shall prepare an Investigative Report at the conclusion of the investigation, as discussed further below.
2. Prior to the completion of the Investigative Report, the Title IX Coordinator shall 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 raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory and exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to evidence prior to conclusion of the investigation. The Title IX Coordinator must send to each party, their parents/guardians and advisors if applicable, simultaneously, the evidence subject to inspection and review, in an electronic format or hard copy, and will provide the parties with at least ten (10) days to provide written responses to the evidence, prior to completion of the Investigative Report.
3. After considering the parties' written responses to the evidence, the Title IX Coordinator shall prepare/complete the Investigative Report, which shall fairly summarize relevant evidence (evidence tending to make the allegations more or less likely.)
4. The Title IX Coordinator shall provide the Investigative Report simultaneously to all parties and their parent(s)/guardians and advisors if applicable, as well as to the designated decision-maker. The transmit shall advise the parties that they have the right to provide a written response regarding the Investigative Report to the decision maker, with the name and contact of the decision maker identified. **The decision maker must wait at least ten (10) days from the date on which the Investigative Report was provided to the parties and to the decision maker, as well as a sufficient time to allow the parties to respond to the Investigative Report and for the decision maker to review their responses, along with sufficient time for the question and answer process discussed in Section G. below, before finalizing and issuing the Written Determination.**

G. Written Determination and District Action

1. Designation of Decision Maker

In accordance with law, the decision maker cannot be the same person as the Title IX Coordinator or any other person who investigated the formal complaint. The Superintendent shall be the decision maker.

If the Superintendent has or may have a conflict of interest or bias, or is a party in the formal complaint process, he shall disclose the conflict and the building principal whose jurisdiction is most relevant to the allegations shall decide the matter.

2. Written Determination

The decision maker shall prepare and issue to the parties simultaneously the Written Determination, in the timeframe set forth at Section F.4. above.

In preparing the Written Determination, the decision maker shall take into account the Investigative Report and any written responses submitted by the parties to the Investigative Report, as well as all responses submitted in the below-described question and answer procedure. The decision-maker must issue a Written Determination of responsibility for the conduct alleged in the formal complaint. 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 in support of the determination than in support of the opposing position, or which shows that the fact to be proven is more probable than not. This standard is not "beyond a reasonable doubt," but rather, is a question of whether the weight of the evidence tips the scales more in favor of one party than the other.

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

The decision-maker shall issue a Written Determination simultaneously to both parties and their parents/guardians/advisors as applicable, 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 initiation by the District 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, as well as a description of attempts to interview or gather evidence that were not successful.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the District's Code(s) Conduct and/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. Any disciplinary sanctions.
 - c. Any 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 becomes final either:

- a. On the date that the District provides the parties with the written decision of the result of the appeal, if an appeal is filed; or
- b. If an appeal is not filed, on the date on which an appeal would no longer be considered timely (the 6th school day after the Written Determination is provided to both parties, or any later date as established for good cause.)

3. Question and Answer Period

Prior to completing the Written Determination, and after the Title IX Coordinator has sent the Investigative Report to the parties, the decision-maker shall send notice to the parties (each notice described herein shall include the parties' parents/guardians/advisors as applicable) giving them five (5) school days from the day on which said notice is sent, inviting them to submit to the decision-maker written, relevant questions that each party wants to be asked of any party or witness.

The decision-maker shall explain in writing to the party proposing the questions about any decision to exclude a question at any stage in this process as not relevant. "Relevant" means tending to prove or disprove the allegations of the formal complaint.

The decision-maker shall transmit the questions to the parties/witnesses. The parties and any witnesses will be given five (5) school days from the day on which the written, relevant questions are sent to them to send answers to the decision-maker.

The decision-maker will then transmit the answers of witnesses and the other party to each party (complainant and respondent), and will provide each party five (5) days to provide to the decision-maker limited follow-up questions in response to those answers. These questions and the responses thereto will be transmitted under the same process referenced above.

All of the above time frames may be extended for good cause.

Questions and evidence in the above-referenced question and answer procedure about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be allowed, 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.

H. Consequences and Remedies

1. The District's formal Title IX grievance process will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
2. The District will provide remedies designed to restore or preserve equal access to the District's education program or activity to the complainant. Such remedies may be punitive or disciplinary and need not avoid burdening the respondent.
3. Disciplinary consequences may be any consequences set forth under applicable District Policy or regulations, Code of Conduct(s), collective bargaining agreements, Act 93 Plan, other compensation plan, individual contract, or law, including but not limited to suspension, expulsion, or termination of employment/termination of service as an independent contractor or volunteer, as well as civil and/or criminal penalties. Any relevant procedures for individuals with disabilities or students who are disabled or thought to be disabled shall apply.
4. 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.

I. Appeal Process

1. The District will offer both parties an equal right to appeal a determination of responsibility, as well as an equal right to appeal the District's dismissal of a Title IX formal complaint or any allegation in a Title IX formal complaint.
2. The reasons for appeal of determinations of responsibility or dismissal are limited to the following reasons as stated in the Title IX regulations:
 - a. A procedural irregularity that affected the outcome of the matter.
 - b. New evidence that could affect the outcome of the matter and that was not reasonably available at the time the decision to dismiss or determination of responsibility was made.

- c. 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.

The District may add reasons for appeal at any time, in which case, the opportunity to appeal based on such additional reasons shall be offered to both parties.

3. A party who wishes to appeal the result of the Written Determination or of a dismissal must do so by submitting a written notice of appeal to the Title IX Coordinator within five (5) school days after the date on which the Written Determination or notice of dismissal was issued to the parties. The Title IX Coordinator shall then submit notice of appeal as soon as reasonably possible to the designated appeal authority. The Title IX Coordinator shall have no involvement in the appeal and shall not communicate with the designated appeal authority in any manner, other than to submit a copy of the appeal.
4. The notice of appeal is not required to be detailed, but shall state briefly which of the reasons for appeal listed above is believed to apply.
5. The Title IX Coordinator shall designate the appeal authority and shall ensure that the designated appeal authority is not the same person as the decision-maker that reached the Written Determination or the person who issued the dismissal, the investigator, or the Title IX Coordinator. The designated appeal authority may be designated by the Title IX Coordinator to be the Board or a committee thereof or District solicitor or outside counsel, or another appropriate individual or entity.
6. **For all appeals, the designated appeal authority shall:**
 - a. Provide the appealing party's written notice of appeal to the other party as soon as possible after it is submitted and implement appeal procedures equally for both parties.
 - b. Provide both parties a reasonable, equal opportunity to submit a written statement in support of or challenging the basis for the appeal as stated in the notice of appeal.
 - c. The appeal authority shall provide a notice to the individual who filed the notice of appeal of his/her right to file a statement in support of the appeal. A supporting statement, if the party filing the appeal wishes to submit the same, must be submitted to the appeal authority within five (5) school days of the date on which the written notice of the right to submit a supporting statement was sent by the appeal authority to the party who filed the notice of appeal. A supporting statement shall describe in detail, as applicable depending on the reason(s) for appeal, any or all of the following: the procedural irregularities asserted to have affected the outcome of the determination of responsibility/dismissal; the nature of any new evidence which could affect the outcome; and/or the nature of any bias or conflict of interest asserted to have affected the outcome, with an explanation of how the outcome was affected by

such factor(s). If evidence exists supporting the basis for appeal, it must accompany the supporting statement, or it must identify where such evidence may be found.

- d. The appeal authority shall send a copy of the supporting statement to the other party with notice of his/her right to submit, within five (5) school days, a statement of opposition to the appeal. 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.
- e. 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.
- f. The appeal authority shall determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
- g. The appeal authority shall issue a written decision describing the result of the appeal and the rationale for the result within twenty (20) school days of the latest of the following dates:
 - the date on which the appeal authority received the notice of appeal
 - the date on which the appeal authority received the statement in support of appeal
 - the date on which the appeal authority received the written statement in opposition to appeal
- h. The appeal authority shall provide the written decision regarding the appeal simultaneously to both parties and their parents/guardians/advisor as applicable. A copy of the written decision shall also be provided to the Title IX Coordinator.

J. Recordkeeping

The District shall maintain the following records for a period of a minimum of seven (7) years after conclusion of the formal grievance 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. Records of each Title IX sexual harassment investigation, including but not necessarily limited to the report and formal complaint, supportive measures, Investigative Report, Written Determination, appeal documents, 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 and any other remedial measures taken.

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 and the designated appeal authority. The District must make these training materials publicly available on its website.
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.

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Template for Letter Documenting Parental Objection to Child's Participation in an Investigation

To: Complainant/Parents/Guardians

RE: Report of discrimination made on [DATE] on behalf of [STUDENT]

Dear _____:

On [DATE] you met with [NAME OF: TITLE IX COORDINATOR AND ANY OTHER RELEVANT INDIVIDUALS] to discuss an alleged violation of [SCHOOL DISTRICT'S] Policy No. 103. The allegations involved **[VERY BRIEF DESCRIPTION OF INCIDENT OR GENERAL INCIDENTS]**

In this discussion, you stated that you wish to maintain confidentiality and do not consent to [STUDENT'S] participation in an investigation. Because the district has a legal obligation to address potential violations of Policy 103, the district will conduct an investigation and maintain confidentiality to the extent this is consistent with the district's obligations to address and prevent violations of this policy. Any violations of policy which may be uncovered through this investigation will be addressed. The [SCHOOL DISTRICT] prohibits retaliation against any individual who has made a complaint, and alleged victims or individuals who participate in related investigations. If at any time you wish to withdraw your request for confidentiality and have your child participate in the investigation, please notify me immediately. If at any time your child believes there have been additional violations of Policy 103, including any retaliatory behavior, please contact me at your earliest convenience to permit the district to properly address such matters. This will be treated as a new complaint with a new opportunity to determine your child's participation.

Feel free to contact me with any questions. My contact information is:

Sincerely,

Title IX Coordinator

**TITLE IX SEXUAL HARASSMENT/RETALIATION/OTHER UNLAWFUL
HARASSMENT, DISCRIMINATION OR RETALIATION/BULLYING/HAZING
REPORT FORM**

The Board declares it to be the policy of this District to provide a safe, positive environment that is free from sexual harassment and retaliation and other unlawful discrimination, harassment and retaliation, as well as free from hazing and bullying. If you have experienced, or believe you that you or another has experienced any such actions, we encourage you to complete this form.

Note: District employees, independent contractors and volunteers are required to report such violations or suspected violations against others. Any District employee, volunteer or independent contractor who receives an oral or written report of such conduct must immediately notify the Title IX Coordinator through making an oral or written report.

The Title IX Coordinator will be happy to support you by answering any questions about this Report Form, reviewing the Report Form for completion and assisting as necessary with completion.

The term "sexual harassment" or "Title IX sexual harassment" is used in this Form to include retaliation for filing a report or taking any other protected action with respect to allegations of Title IX sexual harassment.

The following individual is hereby designated as the District's Title IX Coordinator. All reports of sexual harassment and retaliation and other unlawful discrimination, harassment and retaliation, and hazing and bullying, are to be made to the Title IX Coordinator using any of the following contact information for the Title IX Coordinator:

Mrs. Nicole Bockstoe
Coordinator of Student Services and
Federal Programs Coordinator
2020 West Pike Street
Houston, PA 15342
(724) 746-1400, ext. 109
nicole.bockstoe@chartiers-houstonsd.com

A report may be made at any time, including during nonbusiness hours.

The individual making the report may this Form (Section One) for purposes of making such a report; however, verbal reports shall also be accepted.

If the Title IX Coordinator is the subject of/respondent in a complaint, or is believed to have a bias or conflict of interest, the Report shall be made to the Business Manager, using any of the following contact information:

Mr. Dennis Dydiw
Business Manager
2020 West Pike Street
Houston, PA 15342
(724) 746-1400, ext. 108
dennis.dydiw@chartiers-houstonsd.com

All references to the Title IX Coordinator in this Report Form shall be intended as references to the Business Manager in the event that the report is made to him due to the reasons described above.

Retaliation Prohibited

The District, its employees and others are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report, or for participating in an investigation of this report, or for acting in opposition to prohibited conduct. Please contact the Title IX Coordinator immediately if you believe retaliation has occurred.

Confidentiality

Confidentiality regarding the allegations and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations or as not otherwise prohibited by law and in accordance with the District's legal and investigative obligations:

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

The District 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 District 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 take action.**

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

REPORT FORM: SECTION ONE

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 complainant (alleged victim) of the reported conduct, please identify the complainant:

Name: _____

The complainant is: ☐ Your Child ☐ Another Student ☐ A District Employee

☐ Other: _____ (please explain relationship to the complainant)

II. Information About the Person(s) You Believe is/are Responsible for the Conduct 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 and when?

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

REPORT FORM: SECTION TWO

FOR OFFICIAL USE ONLY

This section is to be completed by the Title IX Coordinator in conjunction with performing the Initial Assessment Referenced in Attachment 3.

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.

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 complainant, please identify the complainant:

Name: _____

The complainant is:

☐ Yourself ☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the District)

II. Respondent Information

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

The reported respondent is: _____

☐ Student ☐ Parent/Guardian ☐ Employee ☐ Volunteer ☐ Visitor

☐ Other _____ (please explain relationship to the District)

III. Allegations Could Potentially Constitute:

☐ Title IX Sexual Harassment or Retaliation ☐ Other Unlawful Harassment,
Discrimination or Retaliation

☐ Bullying ☐ Hazing

☐ Other _____

List also any District Policies and/or Codes of Conduct that may have been violated:

Basis of the Alleged Harassment, Discrimination or Retaliation (check all that apply):

<input type="checkbox"/> Race	<input type="checkbox"/> Gender Identity
<input type="checkbox"/> Color	<input type="checkbox"/> Ancestry
<input type="checkbox"/> Age	<input type="checkbox"/> National Origin
<input type="checkbox"/> Religion	<input type="checkbox"/> Genetic Information
<input type="checkbox"/> Sex	<input type="checkbox"/> Pregnancy
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Handicap/Disability
<input type="checkbox"/> Familial or Marital Status	

IV. Reported Conduct

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

How often did the conduct occur?

Is it being repeated? ☐ Yes ☐ No

Do the circumstances involve a student identified as or thought to be 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(s) at issue: _____

How has the conduct affected the complainant's ability to fully participate in the education program or activity of the District or otherwise affected the complainant?

What is the complainant's relationship with the 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 (attach if possible.)

Attach any written statements, interview summaries or other pertinent documentation.

V. Safety Concerns

Are there safety concerns that may require emergency removal of 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; see Attachment 3 for these procedures.)

☐ No.

☐ Yes, please describe:

VI. Title IX Supportive Measures or Other Supports for Complainant or Other Involved Individuals

If, at any point after the report is received, it is determined that the allegations could potentially constitute Title IX sexual harassment, the complainant shall be offered Title IX supportive measures, as discussed in the "Title IX Sexual Harassment and Retaliation Procedures." The Title IX Coordinator shall consider the Complainant's wishes with respect to supportive measures.

Please describe supportive measures offered or provided and all other measures offered or provided to ensure the health, safety and welfare of all involved.

VII. Other Reports

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

☐ No

☐ Yes Date reported: _____ Agency: _____

A final determination of responsibility for Title IX sexual harassment can only be made after a formal complaint has been filed and the formal grievance procedure has been followed. The District will proceed with offering the complainant the opportunity to file a formal complaint and with offering the complainant continuing Title IX supportive measures if the allegations of the report could potentially constitute Title IX sexual harassment.

If the allegations, based upon the information in the report and the Initial Assessment conducted in accordance with this Report Form, do or could potentially meet one or more of the aspects of the definition of Title IX sexual harassment or retaliation as described in Attachment 3 and Policy No. 103, the Title IX Coordinator must promptly take the "Title IX Pre-Complaint Steps" listed at Section VIII.

If any of the allegations could potentially constitute Title IX violations, even if those same allegations or additional allegations in the report could potentially also constitute violations of other policies, all allegations will be investigated under the formal Title IX grievance process listed in Attachment 3. **If the Title IX Coordinator has any doubt as to whether the**

allegations could potentially constitute Title IX sexual harassment, he/she shall assume that they do, and shall follow the "Title IX Pre-Complaint Steps."

If the Title IX Coordinator is certain that the allegations could not potentially constitute Title IX sexual harassment, then he/she shall indicate on this Report Form, Section Two, the policy(ies), if any, which are implicated as potentially having been violated instead and shall follow the Policies/procedures for addressing such violations.

For allegations of other unlawful discrimination, harassment or retaliation under Policy No. 103 that do not include Title IX sexual harassment or retaliation, the procedures under Attachment 2 shall be followed.

If the allegations involve potential violations of any other Policies, the Title IX Coordinator shall follow any investigation and related procedures under any other implicated Policies, to the extent that those procedures do not duplicate the Title IX sexual harassment procedures, and shall delegate the matter to any individuals who are directed to handle such allegations under the applicable policies.

As part of the Initial Assessment, the Title IX Coordinator shall also determine whether to dismiss the report and take no further action. The report may only be dismissed at this stage if it is clearly unfounded or clearly does not even potentially meet the elements of a Title IX violation or any other Policy violation and further investigation would not reveal that the report is founded or meets any such elements.

VIII. Title IX Pre-Complaint Steps

If, as a result of the Initial Assessment, the Title IX Coordinator believes that the allegations do or could potentially meet one or more of the aspects of the definition of Title IX sexual harassment or retaliation, the Title IX Coordinator will promptly:

1. Explain to the complainant that he or she may request that the District treat the report as a formal complaint of Title IX sexual harassment or retaliation by signing this form indicating the same. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity of the District. Filing a formal complaint initiates the Title IX formal grievance procedures.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.
3. Contact a student complainant's parents/guardians 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 parents/guardians 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 parents/guardians.

4. Determine what supportive measures may be offered to the respondent or any other involved individual.
5. Determine whether the District will proceed with a formal complaint even if the complainant does not wish to do so.

IX. Title IX Formal Complaint

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 file a formal Title IX complaint, in which case, this form shall serve as the formal complaint.

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

☐ Yes

☐ No

Complainant's Signature: _____

Complainant's Name (print): _____

Date: _____

If the complainant does not wish for 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. It may be clearly unreasonable not to initiate the formal complaint process if, for example, disciplinary action would be warranted if allegations are true (discipline cannot be imposed for alleged Title IX violations unless the formal complaint and grievance procedure are followed and result in a determination that discipline is appropriate, unless informal resolution is elected by the parties and the parties agree to the consequence); if the respondent is an employee; or if further investigation is needed to assess the extent of the behavior and impact on others. 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: _____

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