

Book	Policy Manual
Section	100 Programs
Title	Discrimination/Harassment Affecting Students
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Authority

The Joint Operating Committee declares it to be the policy of this center (school) to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the center (school) without discrimination on the basis of race, color, age, **religious** creed, religion, sex, sexual orientation, **gender identity**, ancestry, national origin, marital status, pregnancy or handicap/disability.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)

The Joint Operating Committee also declares it to be the policy of this center (school) to comply with federal law and regulations under Title IX prohibiting **sex-based discrimination and** harassment. Inquiries regarding the application of Title IX to the center (school) may be referred to the Title IX Coordinator, to the **Office for** Civil Rights of the U.S. Department of Education, or both.

The center (school) is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students **admission**, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX **sex-based discrimination or** harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the center (school) and is prohibited at or in the course of center (school) - sponsored programs or activities, including transportation to or from center (school) or center (school) -sponsored activities.

Definitions

General Definitions

Complaint shall mean an oral or written request to the center (school) that objectively can be understood as a request to investigate and make a determination about alleged discrimination.[\[19\]](#)

Complainant shall mean a student who is alleged to have been subjected to conduct that could constitute discrimination in accordance with law and this policy, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination and who was participating or attempting to participate in a center (school) education program or activity at the time of the alleged discrimination.[\[19\]](#)

Pregnancy or related conditions, as defined in federal law, shall mean:[\[19\]](#)[\[20\]](#)

1. **Pregnancy, childbirth, termination of pregnancy, or lactation;**
2. **Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or**
3. **Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.**

Pregnancy, as defined in state law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.[\[21\]](#)

Respondent shall mean a person who is alleged to have violated the center (school) prohibition on discrimination in accordance with applicable law and this policy.[\[19\]](#)

Retaliation shall mean intimidation, threats, coercion or discrimination against any person by the center (school), a student, employee or other person authorized to provide a center (school) aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Joint Operating Committee policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the center (school) in accordance with applicable law and this policy and procedures. This term shall not include the center (school) requiring an employee or other individual providing a center (school) aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.[\[19\]](#)[\[22\]](#)

Discrimination Other Than Title IX

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, **religious** creed, religion, sex, **gender identity**, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's center (school) or center (school) -related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and

2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a center (school).

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

Religious beliefs include: [21]

1. **Moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.**
2. **The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.**

Race includes all of the following: [21][24]

1. **Ancestry, national origin or ethnic characteristics.**
2. **Interracial marriage or association.**
3. **Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.**
4. **Hispanic ancestry, national origin or ethnic characteristics.**
5. **Persons of any other national origin or ancestry as specified by a complainant or in a complaint.**

Sex includes: [21][25]

1. **Pregnancy.**
2. **Sex assigned at birth.**
3. **Gender, including a person's gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person's core identity.**
4. **Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.**
5. **Differences of sex development, variations of sex characteristics or other intersex characteristics.**

Definitions Related to Title IX

Title IX sex-based discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity. [19][26][27]

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

1. ***Quid pro quo harassment* – a center (school) employee or other person authorized to provide a center (school) aid, benefit or service explicitly or impliedly conditioning the provision of a center (school) aid, benefit, or service on an individual's participation in unwelcome sexual conduct.**
2. ***Hostile environment harassment* - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a center (school) education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:**
 - a. **The degree to which the conduct affected the complainant's ability to access the center (school) education program or activity;**
 - b. **The type, frequency and duration of the conduct;**
 - c. **The complainant's and respondent's ages, roles in the center (school) education program or activity, previous interactions and other relevant factors;**
 - d. **The location and context in which the conduct occurred; and**
 - e. **Other sex-based harassment in the center (school) education program or activity.**
3. **Sexual assault, dating violence, domestic violence or stalking.**
 - a. ***Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors: [28]**
 - i. **Length of relationship.**
 - ii. **Type of relationship.**
 - iii. **Frequency of interaction between the persons involved in the relationship.**
 - b. ***Domestic violence* includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. [28]**

- c. **Sexual assault** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[\[29\]](#)
- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either: [\[28\]](#)
- i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a center (school) education program or activity and against a person in the United States to qualify as **sex-based discrimination or harassment** under Title IX. **This includes conduct that is subject to the center (school) disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the center (school). The center (school) is obligated to address a sex-based hostile environment in a center (school) education program or activity, even when some conduct is outside the center (school) program or activity, or outside of the United States.**[\[27\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)

Parent/Guardian, for the purposes of this policy and Title IX, shall mean the status of a person who with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is:[\[19\]](#)

1. **A biological parent;**
2. **An adoptive parent;**
3. **A foster parent;**
4. **A stepparent;**
5. **A legal custodian or guardian;**
6. **In loco parentis with respect to such person; or**
7. **Actively seeking legal custody, guardianship, visitation or adoption of such a person.**

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

1. **Restore or preserve access to the center (school) education program or activity, including measures designed to protect the safety of the individuals or the center (school) educational environment; or**
2. **Provide support during the grievance procedures or during an informal resolution process.**

Supportive measures may include, but are not limited to: [\[31\]](#)

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. **Restrictions on contact applied to one or more parties.**
6. Changes in **class, work, housing or extracurricular or other activities.**
7. Leaves of absence.
8. Increased security.
9. Monitoring of certain areas of the campus.
10. **Training and education programs related to sex-based harassment.**
11. Assistance from domestic violence or rape crisis programs.
12. Assistance from community health resources, including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations and Joint Operating Committee policy. **The Title IX Coordinator shall consult with the Director of Special Education in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.**[\[18\]](#)[\[31\]](#)[\[33\]](#)[\[34\]](#)[\[35\]](#)

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Joint Operating Committee designates the[\[36\]](#)

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

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

{ } _____ as the center (school)'s Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

Address:
Email:
Phone Number:

{ X } __Matthew LaVerede_____ as the center (school)'s Compliance Officer and ____Mary Foulkrod_____ as the center (school)'s Title IX Coordinator for students.

The Compliance Officer can be contacted at:

Address: 8500 Oliver Road
Email: mlaverde@ects.org
Phone Number: 814-464-8661

The Title IX Coordinator for students can be contacted at:

Address: 8500 Oliver Road
Email: mfoulkrod@ects.org
Phone Number: 814-464-8679

The Compliance Officer and Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, **to monitor and address barriers to reporting** and to monitor the implementation of the center (school)'s nondiscrimination procedures in the following areas, as appropriate: [\[31\]](#)

1. Curriculum and Materials – Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. **Counseling and Classes – Review of counseling and appraisal materials and access to classes and programs for stereotyping, bias and discrimination. If the center (school) identifies that particular classes or courses contain a disproportionate number of individuals of one (1) sex, the center (school) shall conduct a review to determine that the disproportion is not based on discriminatory practices.**[\[37\]](#)
3. Training – Provide training for students and staff to prevent, identify and alleviate **conduct which may constitute discrimination or harassment.**
4. Resources – Maintain and provide information to staff on resources available to complainants in addition to the **center (school)** complaint procedure or Title IX procedures, such as making reports to **law enforcement**, and available supportive measures such as assistance from domestic violence or rape crisis programs and community health resources, including counseling resources.
5. Student Access – Review of programs, activities, **facilities** and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation. [\[27\]](#)[\[37\]](#)[\[38\]](#)
6. Center (School) Support – Assure that like aspects of the center (school) programs and activities receive like support as to staffing and compensation, facilities, equipment and related areas. [\[39\]](#)[\[40\]](#)
7. Student Evaluation – Review of assessments, procedures **and standards of measurement** for stereotyping and discrimination. [\[41\]](#)
8. Reports/**Complaints** – Monitor and provide technical assistance to individuals involved in managing **reports and complaints.**

Guidelines

When center (school) programs and activities include separation on the basis of sex, in accordance with law and regulations, including but not limited to separate restroom or changing facilities or separate health and physical fitness activities, the center (school) shall not implement such programs or activities in a manner that discriminates on the basis of sex, including an individual's gender identity.[\[27\]](#)[\[38\]](#)

Violations of this policy, including acts of retaliation as **defined** in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Joint Operating Committee policy and procedures, **and in accordance with applicable law and regulations.**[\[32\]](#)[\[34\]](#)[\[42\]](#)[\[43\]](#)[\[44\]](#)

The Joint Operating Committee requires a notice stating that the center (school) does not discriminate in any manner, including Title IX **sex-based discrimination and harassment**, in any center (school) education program or activity, to be issued to all students, parents/guardians **or other legal representatives of students**, employees, applicants for **employment or admission**, and all unions or professional organizations holding collective bargaining or professional agreements with the center (school). All discrimination notices and information shall include the **name or title**, office address, phone number and email address of the individual(s) designated as the Compliance Officer and Title IX Coordinator. **The center (school) notice shall provide information on the location of the Joint Operating Committee policy and complaint or grievance procedures, how to report information about conduct prohibited by this policy and how to file a complaint.**[\[36\]](#)

The Joint Operating Committee directs that **this notice** be included in each student and staff handbook, **on the center (school)'s website, and in each catalog, announcement, bulletin and application form for students. An abbreviated statement of the center (school) prohibition of discrimination, that individuals may report concerns to the Title IX Coordinator and location of the full notice on the center (school)'s website may be published when necessary due to size or format of publications.**[\[36\]](#)

A copy of this policy and related attachments **shall also** be posted to the center (school)'s website.

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

The Joint Operating Committee encourages students and third parties who believe they or others have been subject to Title IX **sex-based discrimination or harassment**, other discrimination or retaliation to promptly report such incidents to the building administrator **or Title IX Coordinator**, even if some elements of the related incident took place or originated away from center (school) grounds, center (school)

education programs or activities, or center (school) conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the **conduct** may file a report of discrimination.

The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building administrator or **Title IX Coordinator**.

A center (school) employee who suspects or is notified that a student **may have** been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the **Title IX Coordinator**, as well as properly making any mandatory **law enforcement** or child protective services reports required by law.[\[31\]](#)[\[45\]](#)[\[46\]](#)

If the **Title IX Coordinator** is the subject of a complaint, the student, third party, **building administrator** or a reporting employee shall report the incident directly to the **Administrative Director or designee**.

The complainant or the individual making the report may use the Discrimination/**Harassment**/Bullying/Hazing/Dating Violence/Retaliation Report Form attached to this policy for purposes of reporting an incident or incidents in writing; however, **oral** reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building administrator shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX **sex-based discrimination and** harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures **and reasonable safety concerns**.[\[31\]](#)

The Title IX Coordinator shall conduct an assessment to determine whether the reported **conduct meets** the definition of Title IX **sex-based discrimination or** harassment and **the appropriate procedures to address the conduct in accordance with this Joint Operating Committee policy and procedures, or other Joint Operating Committee policies**.[\[31\]](#)

If the Title IX Coordinator reasonably determines that the conduct may constitute sex-based discrimination or harassment, the Title IX Coordinator shall take the following steps under Title IX and this Joint Operating Committee policy and procedures:[\[31\]](#)

1. **Treat the complainant and respondent equitably.**
2. **Offer and coordinate supportive measures, as appropriate, for the complainant and respondent.**
3. **Notify the complainant or individual who reported the conduct of the grievance procedures and informal resolution process, if available and appropriate.**
4. **If a complaint is made, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.**
5. **Initiate the grievance procedures or informal resolution process, if available and appropriate.**
6. **In the absence of a complaint or withdrawal of any or all allegations in a complaint, and in the absence or termination of an informal resolution process, determine whether to initiate a complaint under the grievance procedures, in accordance with law, regulations and the grievance procedures.**
7. **If initiating a complaint under the grievance procedures, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety and the safety of others, including by providing supportive measures.**
8. **Take other prompt and effective steps to ensure that sex-based discrimination and harassment does not continue or recur within the center (school) education programs or activities.**

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

When a report alleges Title IX **sex-based discrimination or** harassment, disciplinary sanctions may not be imposed until the completion of the grievance **procedures**. The center (school) shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance **procedures**.[\[32\]](#)

When an emergency removal, as described **in the grievance procedures, is** warranted to address an **imminent and serious** threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. **The center (school) shall provide the respondent with notice and an opportunity to challenge the emergency removal immediately following the removal.**[\[31\]](#)[\[34\]](#)[\[35\]](#)[\[43\]](#)

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance **procedures**. Following the issuance of the **determination** and any applicable appeal, any disciplinary action specified in the **determination** or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.[\[34\]](#)[\[35\]](#)[\[42\]](#)[\[43\]](#)

Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student for sexual assault against another student attending the center (school) or participating in a center (school) program, the center (school) shall coordinate actions with the appropriate participating school entity and comply with the disciplinary or placement requirements established by state law and Joint Operating Committee policy.[\[48\]](#)[\[49\]](#)

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX **sex-based discrimination or** harassment, shall be handled in accordance with applicable law, regulations, **Joint Operating Committee policy and procedures**, and the center (school)'s legal and investigative obligations **to carry out the grievance procedures**.[\[22\]](#)[\[32\]](#)[\[49\]](#)[\[50\]](#)

The center (school) shall not disclose personally identifiable information except in the following circumstances:[\[31\]](#)[\[49\]](#)[\[51\]](#)[\[52\]](#)

1. **When the center (school) has obtained prior written consent in accordance with law.**
2. **When the information is disclosed to a parent/guardian as defined in this policy or other authorized legal representative with the legal right to receive disclosures on behalf of the individual.**
3. **To carry out the requirements of this policy and the accompanying procedures.**
4. **As required or permitted by applicable law or regulations or the requirements of grant funding.**

Retaliation

The Joint Operating Committee prohibits retaliation, **including peer retaliation between students**, by the center (school) or any other person against any person for: [\[19\]](#)[\[22\]](#)

1. Reporting or making a **complaint of conduct that may constitute** discrimination or retaliation, including Title IX **sex-based discrimination or** harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The center (school), its employees and others are prohibited from intimidating, threatening, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

The center (school) shall respond to reports of retaliation by initiating the appropriate procedures in accordance with applicable law, regulations and this Joint Operating Committee policy. Retaliation that falls under Title IX shall be addressed through the grievance procedures or, as appropriate, through the informal resolution process. [\[22\]](#)

Title IX Sex-Based Discrimination and Harassment Training Requirements

The center (school) shall provide training annually to all employees on: [\[36\]](#)

1. **The center (school)'s obligation to address sex-based discrimination and harassment in center (school) education programs and activities.**
2. **The scope of conduct that constitutes sex-based discrimination and harassment, as defined in the law and this policy.**
3. **Staff responsibility to provide the Title IX Coordinator's contact information to students or parents/guardians and to notify the Title IX Coordinator regarding conduct that may constitute sex-based discrimination or harassment, in accordance with this Joint Operating Committee policy and procedures.**

The Compliance Officer and Title IX Coordinator, investigators, decision-makers, any **staff responsible to implement grievance procedures** related to Title IX **sex-based discrimination or** harassment **and any staff authorized to modify or terminate supportive measures** shall receive the following training **annually**, as required or appropriate to their specific role: [\[36\]](#)

1. **The center (school)'s obligations under Title IX, including definitions of sex-based discrimination and harassment.**
2. **The grievance procedures used to address Title IX complaints.**
3. **How to conduct an investigation**, including examination of evidence, drafting **reports and** determinations, **and** handling appeals, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Issues of relevance **in relation to** questions and evidence, **and the types of evidence that are impermissible regardless of relevance.**
6. { X } How to address complaints when the alleged conduct does not qualify as Title IX **sex-based discrimination or** harassment but could be addressed under another complaint process or Joint Operating Committee policy.

Staff designated to facilitate the informal resolution process shall receive training annually on the rules and practices associated with the informal resolution process and how to serve impartially, including by avoiding conflicts of interest and bias. [\[36\]](#)

The Title IX Coordinator and designees shall receive the following training annually, in addition to all other training required by Title IX and this policy: [\[36\]](#)

1. **Specific responsibilities of the Title IX Coordinator, in accordance with law and Joint Operating Committee policy and procedures.**
2. **The center (school)'s recordkeeping system and requirements for recordkeeping in accordance with Title IX and Joint Operating Committee policy and administrative regulations.** [\[51\]](#)[\[52\]](#)[\[53\]](#)[\[54\]](#)
3. **Any other training required to coordinate the center (school)'s compliance with Title IX and other applicable laws, regulations and Joint Operating Committee policy.**

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public. [\[36\]](#)[\[54\]](#)[\[55\]](#)

Disciplinary Consequences

A student **whose conduct** is determined to be **in** violation of this policy, **including a determination of sex-based harassment**, shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to: [\[34\]](#)[\[42\]](#)[\[43\]](#)

1. { X } Loss of school privileges.

2. { X } Permanent transfer to another building, classroom or bus.
3. { X } Exclusion from center (school) -sponsored **and extracurricular** activities.
4. { X } Detention.
5. { X } Suspension.
6. { X } Expulsion.
7. { X } Referral to law enforcement officials.

An employee who violates this policy, **including a determination of sex-based harassment**, shall be subject to appropriate disciplinary action consistent with the applicable Joint Operating Committee policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[44][56]

Handling of Reports

[Use the first two (2) options if the center (school) decides to maintain separate complaint and grievance procedures for Title IX complaints and complaints addressing other types of discrimination. Use the third option if the center (school) decides to maintain a single set of grievance procedures that aligns with the more prescriptive requirements of Title IX for all complaints of discrimination.]

{ } Reports of Discrimination –

{ } Any reports of discrimination that are reviewed by the Title IX Coordinator and do **not** meet the definition of Title IX **sex-based discrimination or** harassment but are based on race, color, age, **religious** creed, religion, sex, **gender identity**, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall **be handled in accordance with** the Discrimination Complaint Procedures **attached** to this policy.

{ } Reports of Title IX Sex-Based Discrimination or Harassment –

{ } Any reports deemed by the Title IX Coordinator to meet the definition of **sex-based discrimination or** harassment under Title IX shall **be handled in accordance with** the **Grievance** Procedures **attached** to this policy.[32]

{ X } All reports of discrimination or Title IX sex-based discrimination or harassment shall be handled in accordance with the Grievance Procedures attached to this policy.[32]

PSBA Revision 7/24 @2024

Legal

- [1. 24 P.S. 1301](#)
- [2. 24 P.S. 1310](#)
- [3. 24 P.S. 1601-C et seq](#)
- [4. 22 PA Code 4.4](#)
- [5. 22 PA Code 12.1](#)
- [6. 22 PA Code 12.4](#)
- [7. 22 PA Code 15.1 et seq](#)
- [8. 24 P.S. 5004](#)
- [9. 43 P.S. 951 et seq](#)
- [10. 16 PA Code 41.201 et seq](#)
- [11. 20 U.S.C. 1681 et seq](#)
- [12. 34 CFR Part 106](#)
- [13. 29 U.S.C. 794](#)
- [14. 42 U.S.C. 1981 et seq](#)
- [15. 42 U.S.C. 2000d et seq](#)
- [16. 42 U.S.C. 12101 et seq](#)
- [17. U.S. Const. Amend. XIV, Equal Protection Clause](#)
18. Pol. 103.1
- [19. 34 CFR 106.2](#)
20. Pol. 234
- [21. 16 PA Code 41.204](#)
- [22. 34 CFR 106.71](#)
- [23. 16 PA Code 41.205](#)
- [24. 16 PA Code 41.207](#)
- [25. 16 PA Code 41.206](#)
- [26. 34 CFR 106.10](#)
- [27. 34 CFR 106.31](#)
- [28. 34 U.S.C. 12291](#)
- [29. 20 U.S.C. 1092](#)
- [30. 34 CFR 106.11](#)

[31. 34 CFR 106.44](#)

[32. 34 CFR 106.45](#)

33. Pol. 113

34. Pol. 113.1

35. Pol. 113.2

[36. 34 CFR 106.8](#)

[37. 34 CFR 106.34-106.36](#)

[38. 34 CFR 106.41](#)

[39. 34 CFR 106.33](#)

[40. 34 CFR 106.37](#)

[41. 34 CFR 106.43](#)

42. Pol. 218

43. Pol. 233

44. Pol. 317

45. Pol. 805.1

46. Pol. 806

[47. 24 P.S. 1318.1](#)

48. Pol. 218.3

[49. 20 U.S.C. 1232g](#)

[50. 34 CFR Part 99](#)

51. Pol. 113.3

52. Pol. 216

53. Pol. 324

54. Pol. 800

55. Pol. 801

56. Pol. 317.1

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

[28 CFR Part 35](#)

[28 CFR Part 41](#)

[34 CFR Part 100](#)

[34 CFR Part 104](#)

[34 CFR Part 106](#)

[34 CFR Part 110](#)

[U.S. Const. Amend. I](#)

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

Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)

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

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

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

[Office for Civil Rights - Resources for Addressing Racial Harassment](#)

[18 Pa. C.S.A. 2709](#)

Pol. 122

Pol. 138

Pol. 220

Pol. 247

Pol. 249

Pol. 251

Pol. 252

Pol. 320

Pol. 701

Pol. 815

[103-ConfidentialityTemplate Letter.docx \(29 KB\)](#)

[103-Discrimination Complaint Procedures.docx \(50 KB\)](#)

[103-Grievance Procedures.docx \(100 KB\)](#)

[103 Report Form.pdf \(682 KB\)](#)