

EXECUTIVE COUNCIL
COMMITTEE OF THE WHOLE MEETING
January 5, 2021 - 5:30 PM
Video Conferencing

AGENDA

Building, Security & Technology

- Capital Improvement Projects
- Roof Update
 - 2020 Roof - Munn
 - 2018 Roof - Paneko

Program, Policy, and Personnel

- Reorganization – 2021 Executive Council Officers (Attachment 1)
- Negotiations
- Personnel Items
 - FMLA
 - Employment
 - Additional Adult Evening School Staff
- Explorer Program – Proposal (Attachment 2)
- Adoption (Attachment 3)
 - 103 – Discrimination/Title IX Sexual Harassment Affecting Students
 - 104 – Discrimination/Title IX Sexual Harassment affecting Staff
 - 108 – Adoption of Textbooks

Finance

- Updates (To Be Distributed)
 - Li'l Bucks
 - Adult Education

EXECUTIVE COUNCIL REPRESENTATION HISTORY

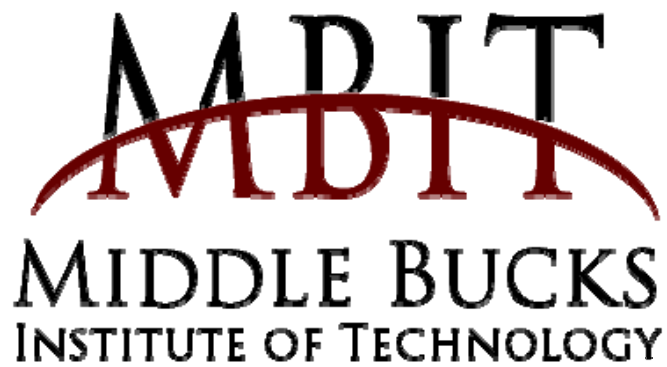
YEAR	CHAIR	VICE-CHAIR	SECRETARY
1967	C	(CB)	(CR)
1968	CB	CR	NH/S
1969	CB	CR	NH/S
1970	CR	NH/S	C
1971	NH/S	C	CB
1972	C	CB	CR
1973	CB	CR	NH/S
1974	CR	NH/S	C
1975	CR	C	CB
1976	C	CB	CR
1977	CB	CR	NH/S
1978	CR	NH/S	C
1979	NH/S	C	CB
1980	C	CB	CR
1981	CB	CR	NH/S
1982	CR	NH/S	C
1983	NH/S	C	CB
1984	C	CB	CR
1985	CB	CR	NH/S
1986	CR	NH/S	C
1987	NH/S	C	CB
1988	C	CB	CR
1989	CB	CR	NH/S
1990	CB	CR	NH/S

EXECUTIVE COUNCIL REPRESENTATION HISTORY

YEAR	CHAIR	VICE-CHAIR	SECRETARY
1991	CR	NH/S	C
1992	NH/S	C	CB
1993	C	CB	CR
1994	CB	CR	NH/S
1995	CR	NH/S	C
1996	CB	CR	CB
1997	CB	C	C
1998	C	CR	NH-S
1999	C	CR	NH-S
2000	NH-S	CR	CB
2001	NH-S	CR	CB
2002	CR	CB	C
2003	CR	CB	C
2004	CB	C	NH-S
2005	CB	C	NH-S
2006	C	CR	NH-S
2007	C	CR	CB
2008	CR	CB	C
2009	CR	CB	C
2010	NH-S	C	CB
2011	NH-S	C	CB
2012	CB	NH-S	CR
2013	CB	NH-S	CR
2014	C	CR	NH-S

EXECUTIVE COUNCIL REPRESENTATION HISTORY

YEAR	CHAIR	VICE-CHAIR	SECRETARY
2015	C	CR	NH-S/CB
2016	CR	CB	C
2017	CR	CB	C
2018	NH-S	C	CB
2019	NH-S	C	CB
2020	CB	NH-S	CR
2021	CB	NH-S	CR



EXPLORER PROGRAM

PROPOSAL

Kathryn Strouse

January 2021

INTRODUCTION

In a collaborative partnership between Middle Bucks Institute of Technology (MBIT), and four sending school districts, we propose the establishment of a new special education program housed at MBIT to serve students from Centennial, Central Bucks, Council Rock, and New Hope-Solebury school districts who may benefit from the many resources available at MBIT, but who are unlikely to qualify for standard program certification as “Completers.”

The Explorer program is intended as a two-year program for 16-18-year-old students who qualify for special education services and who have unmet transition needs in the areas of career exploration and independent living.

RATIONALE

As expectations for student performance within career and technical schools have increased, students with significant disabilities find themselves unable to meet certification criteria established by the Pennsylvania Department of Education. Consequently, these students have not been successful in technical programs at MBIT due to content that is beyond their learning or performance capacity. This program is needed to bridge the gap by allowing students to access needed vocational programming that is below certification standards.

INTENDED POPULATION

EXPLORE is created for the student with moderate disabilities who have the anticipated ability to be competitively employed, but whose academic skill levels inhibit their ability to participate in the PDE Program of Study curriculum to earn industry certification or participate in NOCTI assessment, even with special education accommodations and modifications. These are students plan to directly enter the workforce. Students will have IEP goals in the areas of career exploration and independent living.

The Explorer program is intended for the following student:

- High school students ages 16-18 and eligible for special education transition services through their home school district;
- Have IEP transition goals centered on employment and independent living;
- Academic skill levels in the middle to upper elementary range.
- Unable to complete the PDE Program of Study certification program or participate in NOCTI but has strong interest or aptitude in a specific career area that could lead to successful job placement;
- Requires intensive, coordinated assistance to locate and obtain a job in the competitive market.

The Explorer program would be inappropriate for the following student:

- Students who require intensive remediation of academic skills, or who can access the typical high school curriculum with accommodations and modifications;
- Students who can access the PDE Program of Study curriculum with accommodations or who can access other post-secondary technical programs;
- Students who will require supported or sheltered employment and for whom competitive employment is not anticipated.

LOGISTICS

The Explorer program will be based at MBIT, and will be staffed and supervised by Mrs. Angela Egge with instructional support provided by the sending school district. A maximum of eight (8) students will be enrolled in the program. The staff and overall program effectiveness will be supervised by the MBIT, while the students will remain the responsibility of the home district's LEA.

Students will be referred to Explorer program by their home school district through a MBIT Explorer Referral Form submitted to Mrs. Egge, who will attend the IEP meeting at which entrance into Explorer program will be discussed. Upon IEP team agreement on placement, the student and their parents will be invited to visit the program. If the student and parent believe the program is appropriate the district LEA will arrange transportation and the student will be officially enrolled.

The Explorer program will follow the MBIT annual calendar and daily schedule. All MBIT rules and regulations will apply to students attending Explorer program, including the Student Discipline Policy. The student's home school district will be responsible for the cost of their participation in Explorer program, but students may be required to purchase individual materials or tools necessary for inclusion in specific career clusters (i.e., tool belt).

PROGRAM COMPONENTS

The Explorer program will be a half-day, morning program. The program instructors will serve as custodian for the students on their roster. Students will receive a half day of career skills training at MBIT and a half day of functional academic instruction at their sending school. There will be a strong job placement component embedded into the program. Career skills training will consist of the students' participation in the standard 100 Level MBIT programs, as modified.

- The Explorer program instructor will accompany the students into the typical MBIT classrooms and will provide direct instruction in the first semester curriculum scope and sequence.

- The sending school instructional assistance will work directly with MBIT instructors to facilitate the students' inclusion into their programs to maximize the appropriateness of their inclusion.
- Instructors will also be responsible for adapting and modifying industry content (i.e., technical manuals, textbooks) to render them accessible to the students. In order to assist students with identifying their areas of interest students will be afforded an initial exploratory session in several MBIT career programs.

During the first year of the program, students will gain the skills necessary to be employed in their identified areas of interest while learning to work independently.

During the second year of the program, students depending upon individual ability, will continue to strengthen acquired career skills and begin the process of job placement. Students will be supported by program staff during all phases of job placement, including temporary on-the-job support. The goal of Explorer program is to have students transition directly into competitive employment. Students will be connected with the appropriate adult service providers before leaving the program and will have a basic level of self-advocacy.

When it is observed that the student is independently able to navigate the job without support, and the student's IEP goals have been met, the student will exit the program.

Students attending Explorer program will not receive grades, but will receive regular performance feedback along with monitoring their progress toward IEP goal mastery. This performance feedback will be issued in writing at least four times per full academic year, to coincide with MBIT marking periods. Mrs. Egge will meet with students individually each marking period to review their performance and progress monitoring of IEP goals, and written copies will be sent to parents and the home district's LEA. Students will also receive a Middle Bucks Mastery Report each semester indicating task development.

EXPLORER PROGRAMS:**MBIT Program****Possible Career Paths**

Automotive Technology

Basic Service Technician

Collision Repair Technology

Paint Prep; Detailer

Cosmetology

Shampoo Assistant

Culinary Arts

Pantry Worker; Kitchen Worker

Early Childcare Education

Aide

Horticulture, Landscape & Design

Landscape Installer; Hardscape Installer;
Grounds Crew

Residential Construction

Framer; Carpenter's Helper



Book	Policy Manual
Section	100 Programs
Title	Copy of Nondiscrimination in School and Classroom Practices
Code	103
Status	
Adopted	July 1, 1991
Last Revised	August 11, 2014

Authority

~~The Executive Council declares it to be the policy of this school to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability. [1][2][3][4][5][6][7][8][9][10][11]~~

~~The Executive Council shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, and extracurricular activities. The school shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.~~

~~The Executive Council encourages students and third parties who have been subject to discrimination to promptly report such incidents to designated employees.~~

~~The Executive Council directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations.~~

~~No reprisals or retaliation shall occur as a result of good faith charges of discrimination.~~

Delegation of Responsibility

~~In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Executive Council designates the Assistant Director as the school's Compliance Officer.~~

~~The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.~~

~~The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:~~

1. ~~Curriculum and Materials—Review current and proposed curriculum guides, textbooks and supplemental materials for discriminatory bias.~~
2. ~~Training—Develop an ongoing program of training for students and school personnel designed to identify and solve problems of discrimination.~~
3. ~~Student Access—Review current and proposed programs, activities and practices to ensure that all students have equal access and are not segregated on the basis of race, color, creed, sex, sexual orientation, national origin, or handicap/disability in any duty, work, play, classroom or school practice, except as may be permitted under state regulations.~~
4. ~~School Support—Ensure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to facilities and equipment, and related matters.~~
5. ~~Student Evaluation—Ensure that tests, procedures, and guidance and counseling materials designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged for stereotyping and discrimination.~~

~~The Compliance Officer shall report to the Executive Council on progress in the nondiscrimination program for school and classroom practices, as requested.~~

~~The Compliance Officer or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:~~

1. ~~Inform the student or third party of the right to file a complaint and the complaint procedure.~~
2. ~~Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.~~
3. ~~Notify the complainant and the accused of the progress at appropriate stages of the procedure.~~
4. ~~Refer the complainant to the Administrative Director if the /Compliance Officer is the subject of the complaint.~~

Guidelines

Complaint Procedure—Student/Third Party

Step 1—Reporting

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~~A student or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the Compliance Officer.~~

~~A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Compliance Officer.~~

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

~~The complainant or reporting employee is encouraged to use the report form available from the Compliance Officer, but oral complaints shall be acceptable.~~

Step 2—Investigation

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~~Upon receiving a complaint of discrimination, the Compliance Officer shall immediately investigate the complaint, unless the Compliance Officer is the subject of the complaint or is unable to conduct the investigation.~~

~~The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.~~

~~The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.~~

Step 3 – Investigative Report

~~The Compliance Officer shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.~~

~~Copies of the report shall be provided to the complainant, the accused, and the Administrative Director.~~

Step 4 – School Action

~~If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action to ensure that such conduct ceases and will not recur.~~

~~Disciplinary actions shall be consistent with the Student Code of Conduct, Executive Council policies and school procedures, applicable collective bargaining agreements, and state and federal laws.~~

Appeal Procedure

- ~~1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.~~
- ~~2. The Executive Council shall conduct a review of the complaint and issue a written response to the appeal within thirty (30) days following the Executive Council meeting at which the complaint was presented. Copies of the response shall be provided to the complainant, the accused, the Compliance Officer, and the Administrative Director.~~

Legal

1. 24 P.S. 1310
2. 22 PA Code 4.4
3. 22 PA Code 12.1
4. 22 PA Code 12.4
6. 24 P.S. 5004
7. 20 U.S.C. 1681 et seq
8. 20 U.S.C. 6321
9. 29 U.S.C. 794
10. 42 U.S.C. 2000d et seq
11. 42 U.S.C. 12101 et seq
- 22 PA Code 15.1 et seq
- 43 P.S. 951 et seq
- 28 CFR Part 41
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 106
- 34 CFR Part 110
- Pol. 701
- Pol. 906



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Students
Code	103
Status	Review

Authority

The Executive Council is committed to providing an equal opportunity for all students to achieve their maximum potential through the programs **and activities** offered in the school without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, 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]

The Executive Council declares it to be the policy of this school to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the school may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

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

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Executive Council policy and procedures.[18][19][20][21]

The Executive Council directs that the foregoing statement of Executive Council policy be included in each student and staff handbook, and that this policy and related attachments be posted to the school's website.

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

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Executive Council encourages students and third parties who believe they or others have been subject to **Title IX sexual harassment, other discrimination or retaliation** to promptly report such incidents to Administrative Director, even if some elements of the related incident took place or originated away from school grounds, school activities or school conveyances. **A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.**

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 Administrative Director.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Administrative Director, as well as properly making any mandatory police or child protective services reports required by law.[22]

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

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

The Administrative Director shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

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

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The 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 process for formal complaints.[19][21][23]

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[18][19][21][23]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written determination or appeal decision shall be implemented in accordance with the

normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.[18][19][21][23]

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 sexual harassment**, shall be handled in accordance with **applicable law, regulations**, this policy, **the attachments** and the school's legal and investigative obligations.[\[24\]](#)[\[25\]](#)[\[26\]](#)[\[27\]](#)[\[28\]](#)

Retaliation

The Executive Council prohibits retaliation by **the school** or any other person against any person for:
[\[27\]](#)

1. Reporting **or making a formal complaint** of **any form of discrimination or retaliation, including Title IX sexual 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 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.**

Definitions

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

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

Discrimination

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, 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 school or school-related performance when such conduct is:

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

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the school investigate the allegation under the grievance process for formal complaints. The authority for the

Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase “document filed by a complainant” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. [26][29]

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. [29]

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to: [29]

1. **Counseling.**
2. **Extensions of deadlines or other course-related adjustments.**
3. **Modifications of work or class schedules.**
4. **Campus escort services.**
5. **Mutual restrictions on contact between the parties.**
6. **Changes in work or housing 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 may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student’s behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Executive Council policy, and in coordination with the student's school district of residence. [17][23][30]

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following: [29]

1. **A school employee conditioning the provision of an aid, benefit, or 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 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: [\[31\]](#)
- i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.
- b. ***Domestic violence*** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. [\[31\]](#)
- 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. [\[32\]](#)
- 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: [\[31\]](#)
- i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a school education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the school exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus. [\[25\]](#)[\[26\]](#)[\[29\]](#)

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Executive Council designates the [\[33\]](#)

Human Resource Coordinator as the school's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 2740 York Road Jamison, PA 18929

Email: HR@mbit.org

Phone Number: 215-343-2480 X205

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 and to monitor the implementation of the school's nondiscrimination procedures in the following areas, **as appropriate**:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training - **Provide** training for students and staff to prevent, identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to complainants in addition to the 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 ensuring that all students have equal access and are not segregated except when permissible by law or regulation.
5. School 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 discrimination.
7. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved in managing informal reports and formal** complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

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

1. **Definition of sexual harassment.**
2. **Scope of the school'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, conducting hearings (if applicable), 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 Executive Council 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 school's website.

Disciplinary Consequences

A student who is determined to be responsible for violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[18][19][21]

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

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Executive Council policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[20][34]

Reports of Discrimination

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

Reports of Title IX Sexual Harassment

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

- | | |
|-------|---------------------------|
| Legal | 1. 22 PA Code 12.1 |
| | 2. 22 PA Code 12.4 |
| | 3. 22 PA Code 15.1 et seq |
| | 4. 22 PA Code 4.4 |
| | 5. 24 P.S. 1301 |
| | 6. 24 P.S. 1310 |
| | 7. 24 P.S. 1601-C et seq |
| | 8. 24 P.S. 5004 |
| | 9. 43 P.S. 951 et seq |

10. 20 U.S.C. 1681 et seq
11. 34 CFR Part 106
12. 29 U.S.C. 794
13. 42 U.S.C. 12101 et seq
14. 42 U.S.C. 1981 et seq
15. 42 U.S.C. 2000d et seq
16. U.S. Const. Amend. XIV, Equal Protection Clause
17. Pol. 103.1
18. Pol. 218
19. Pol. 233
20. Pol. 317
21. Pol. 113.1
22. Pol. 806
23. Pol. 113.2
24. 20 U.S.C. 1232g
25. 34 CFR 106.44
26. 34 CFR 106.45
27. 34 CFR 106.71
28. 34 CFR Part 99
29. 34 CFR 106.30
30. Pol. 113
31. 34 U.S.C. 12291
32. 20 U.S.C. 1092
33. 34 CFR 106.8
34. Pol. 317.1
- 18 Pa. C.S.A. 2709
- 20 U.S.C. 1400 et seq
- 28 CFR Part 41
- 28 CFR Part 35
- 34 CFR Part 100
- 34 CFR Part 104
- 34 CFR Part 110
- U.S. Const. Amend. I
- Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020)
- Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
- Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
- Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
- Office for Civil Rights - Resources for Addressing Racial Harassment
- Pol. 122
- Pol. 138
- Pol. 216

- Pol. 220
- Pol. 247
- Pol. 249
- Pol. 251
- Pol. 252
- Pol. 320
- Pol. 701
- Pol. 815
- Pol. 832

103-Attach 1 Report Form.pdf (169 KB)

103-Attach 2 Discrimination.docx (41 KB)

103-Attach 3 Title IX.docx (81 KB)

103-Attach 4 ConfidentialityTemplateLetter.docx (21 KB)

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

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

Position: _____

Address: _____

Email: _____

Phone Number: _____

Retaliation Prohibited

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

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with applicable law, regulations, policy, procedures, and the school entity's legal and investigative obligations. The school entity will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school entity 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 school entity has an obligation to investigate the information provided.

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

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

I am a:

Student Parent/Guardian Employee Volunteer Visitor

Other _____ (please explain relationship to the school entity)

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

Name: _____

The alleged victim is: Your Child Another Student Employee

Other: _____ (please explain relationship to the alleged victim)

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

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

Name(s):

The reported individual(s) is/are:

Student(s) Employee(s)

Other _____ (please explain relationship to the school entity)

III. Description of the Conduct You are Reporting

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

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

Where did the reported conduct take place?

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

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

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

Yes No

If yes, who did you tell about it?

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

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

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

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

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

Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 103 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

School Building: _____

Reporter is a:

Student Parent/Guardian Employee Volunteer Visitor

Other _____ (please explain relationship to the school entity)

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

Name: _____

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

Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

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

Name(s):

The reported respondent(s) is/are:

- Student(s) Employee(s)
- Other _____ (please explain relationship to the school entity)

III. Level of Report:

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

IV. Type of Report:

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

Nature of the Report (check all that apply):

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

V. Reported Conduct

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

How often did the conduct occur?

Is it being repeated? Yes No

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

No.

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

Date Director of Special Education was contacted: _____

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

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

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

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

VI. Safety Concerns

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

No.

Yes, please describe:

VII. Other Reports

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

No

Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

- Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students
- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff
- Policy 247. Hazing
- Policy 249. Bullying/Cyberbullying
- Policy 252. Dating Violence
- Other _____

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

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

Yes

No

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

- A school entity employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct, commonly referred to as quid pro quo sexual harassment.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity.
- Sexual assault, dating violence, domestic violence or stalking.

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

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

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

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

IX. Recommended Course of Action

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

No further action at this time. Reason:

Policy 247. Hazing

Policy 249. Bullying/Cyberbullying

Policy 252. Dating Violence

Other _____

Policy 103 Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 2
Discrimination Complaint Procedures

- Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint Procedures
- Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints
- Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints

X. Title IX Information to Complainant

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

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

1. Explain to the complainant the process for filing a formal complaint.
2. Inform the complainant of the continued availability of supportive measures with or without the filing of a formal complaint.
3. The Title IX Coordinator shall contact a student complainant's 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/reporter, 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.
5. Determine whether the complainant wishes this report to be treated as a formal complaint.

XI. Title IX Coordinator Signature

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

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

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

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

Yes No

Complainant's Signature: _____

Date: _____

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

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

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

Title IX Coordinator's Signature: _____

Date: _____

DISCRIMINATION COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in the Policy 103.

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

[Note: if the same individual is assigned to the roles of Title IX Coordinator and Compliance Officer through Policy 103, please revise the terminology in this Attachment 2 to reflect the position of Title IX Coordinator/Compliance Officer throughout.]

All reports of discrimination and retaliation brought pursuant to the Joint Operating Committee's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 103 but merits review and possible action under the Code of Student Conduct and other Joint Operating Committee policies. (Pol. 103.1, 218, 247, 249, 252)

Definitions

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

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

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, 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 school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and

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

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

Reasonable Accommodations

Throughout the discrimination complaint procedures, the center (school) shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Joint Operating Committee policy. (Pol. 103.1, 113, 138, 251, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building administrator or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Joint Operating Committee policies, is also appropriately addressed in accordance with the applicable laws, regulations or Joint Operating Committee policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

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

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

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

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

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

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

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

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

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

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

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

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in this Attachment 2, or if the reported circumstances meet the definition

and parameters of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other applicable Joint Operating Committee policies.

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

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

Step 2 – Initial Communications/Supports

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

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

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

The building administrator or designee shall seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure. When a parent/guardian requests confidentiality and will not consent to the alleged victim's participation in an investigation, the building administrator or designee shall explain that the school shall take all reasonable steps to

investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination that affects other students.

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

Informal Remedies -

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

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

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

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

Step 3 – Investigation

The Compliance Officer shall assess whether the investigation should be conducted by the building administrator, another employee, the Compliance Officer or an attorney and shall promptly assign the investigation to that individual. When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer shall provide the parent/guardian with a letter containing information related to the center's (school's) legal obligations to conduct an investigation and address violations of Joint Operating Committee policy, and any other information appropriate to the specific complaint.

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

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

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

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

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

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

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within

{ } twenty (20) school days

{ } thirty (30) school days

{ } _____ school days

of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties shall be notified of the

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

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Joint Operating Committee Policy 103 and of any other violations of law or Joint Operating Committee policy which may warrant further action by the center (school) and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Joint Operating Committee policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

Step 5 – Action by the Center (School)

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Joint Operating Committee policy, the center (school) shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The center (school) 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 center (school) education program or activity. Center (school) staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 103 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233, 247, 249)

Disciplinary actions shall be consistent with the Code of Student Conduct, Joint Operating Committee policies and procedures, administrative regulations, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

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

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

The person handling the appeal shall prepare a written response to the appeal within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

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

TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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

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

NOTE: For a center (school) that runs postsecondary adult education programs, such as a CDL training program or nursing program, which meet the definition of “institution of undergraduate higher education” or “institution of vocational education” under federal regulations [34 CFR Sec. 106.2](#), additional provisions may need to be added to the language addressing Title IX Sexual Harassment. Please consult with your school solicitor to determine if center (school) programs meet one of these definitions.

A center (school) who meets the definition for postsecondary in their adult education programs must provide an “advisor” to a party if the party is not able to designate their own advisor (does not have to be an attorney, but may need to be a volunteer, instructor, or someone from the IU or another entity who would not have a bias or stake in the outcome).

A center (school) who meets this definition is also required to provide a live hearing process as part of the grievance process for formal complaints, which would apply to adult students who are complainants or respondents enrolled in applicable programs—please see optional language noted below.

Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the center (school)’s Title IX Coordinator or any center (school) official who has the authority to institute corrective measures on behalf of the center (school), or to any employee of a secondary school, other than the respondent.

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

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

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

process. The phrase “**document filed by a complainant**” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

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

The following actions shall not constitute retaliation:

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

Supportive measures mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work or housing 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 may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Joint Operating Committee policy. (Pol. 103.1, 113, 113.1, 113.2)

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

1. A center (school) employee conditioning the provision of an aid, benefit, or center (school) 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 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:
 - 1) Length of relationship.
 - 2) Type of relationship.
 - 3) Frequency of interaction between the persons involved in the relationship.
 - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
- 1) Fear for their safety or the safety of others.
 - 2) Suffer substantial emotional distress.

Such conduct must have taken place during a center (school) education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the center (school) exercises substantial control over both the respondent and the context in which the harassment occurs.

TITLE IX SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

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

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

Center (School) staff who become aware of bullying, hazing, harassment or other discrimination affecting a student or staff member shall promptly report it to the building administrator.

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individual at any time.

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

All sexual harassment reports and complaints received by the building administrator shall be promptly directed to the Title IX Coordinator, in accordance with Joint Operating Committee policy. The Title IX Coordinator shall use the Discrimination/Sexual

Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form to gather additional information from the reporter and/or other parties identified in the report, to determine if the allegations meet the definition and parameters for Title IX sexual harassment.

The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

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

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a center (school) program or activity under the control of the center (school) and against a person in the United States.
3. Involves other Joint Operating Committee policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

If the result of this initial assessment determines that none of the allegations fall within the scope of Title IX sexual harassment, but the matter merits review and possible action under the Code of Student Conduct and other Joint Operating Committee policies or Attachment 2 addressing Discrimination Complaints, then the Title IX Coordinator shall redirect the report to the appropriate administrator to address the allegations. (Pol. 103, 103.1, 113.1, 218, 247, 249, 252, 317, 317.1)

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

The Title IX Coordinator shall contact the 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.

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

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

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation or hearing, if applicable: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.3, 216)

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

The center (school) shall treat complainants and respondents equitably by:

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

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

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

When an emergency removal, as described below, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 233)

When an emergency removal is not required, disciplinary sanctions will be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the written

determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable. (Pol. 113.1, 113.2, 218, 233)

Supportive Measures -

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

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

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the center (school) shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, and address barriers being experienced by disadvantaged students such as English learners and homeless students, consistent with the requirements of federal and state laws and regulations and Joint Operating Committee policy. (Pol. 103.1, 113, 138, 251, 832)

Emergency Removal –

If the center (school) has determined, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual due to the allegations of Title IX sexual harassment, the respondent may be removed from the center (school)'s education program or activity or moved to an alternative setting, consistent with all rights under federal and state laws and regulations, and Joint Operating Committee policy, including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the respondent is an identified student with a disability, or thought to be disabled, the Title IX Coordinator shall contact the Director of Special Education to coordinate the required actions in accordance with Joint Operating Committee policy. The respondent shall be provided with notice and provided an opportunity for due process, in accordance with law, regulations and Joint Operating Committee policy. When expulsion is necessary because continuation of educational services is not feasible, the Joint Operating Committee's written adjudication of expulsion shall address the pending

Title IX process and the impact of the outcome of the Title IX process on a student's emergency removal status. (20 U.S.C. Sec. 1400 et seq. ; 29 U.S.C. Sec. 794 ; 42 U.S.C. Sec. 12101 et seq. ; 34 CFR 106.44 ; Pol. 103.1, 113.1, 233)

Administrative Leave -

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

An accused nonstudent center (school) employee may be placed on administrative leave during the pendency of the grievance process for formal complaints, consistent with all rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, and in accordance with state law and regulations, Joint Operating Committee policy and an applicable collective bargaining agreement or individual contract. (29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12101 et seq., 34 CFR 106.44, Pol. 317)

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Joint Operating Committee policies, is also appropriately addressed in accordance with the applicable laws, regulations or Joint Operating Committee policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 806, 824)

Timeframes

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

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

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

Redirection or Dismissal of Title IX Formal Complaints

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

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

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

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

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

Consolidation of Title IX Formal Complaints

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

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**Step 1 – Formal Complaint**

The center (school) is required to initiate the grievance process for formal complaints when a complainant or the complainant's parent/guardian files a formal complaint. The Title IX Coordinator is also authorized to initiate this process despite a complainant's wishes when

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

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

The Title IX Coordinator shall assess whether the investigation should be conducted by the building administrator, another center (school) employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

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

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

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, where applicable, providing the following information:

1. Notice of the center (school)'s grievance process for formal complaints and any informal resolution process that may be available.
2. Notice of the allegations potentially constituting Title IX sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
 - a. The identity of the parties involved, if known.
 - b. The conduct allegedly constituting sexual harassment.

- c. The date and location of the alleged incident(s), if known.
3. A statement that a written determination regarding responsibility shall be made at the conclusion of the grievance process for formal complaints and, until that time, the respondent is presumed not responsible for the alleged conduct.
 4. Notice that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence.
 5. Notice that Joint Operating Committee policy and the center (school)'s Code of Student Conduct prohibits knowingly making false statements or knowingly submitting false information to center (school) officials in connection with reports of misconduct or discrimination complaints.
 6. Notice to all known parties of any additional allegations that the center (school) decides to investigate during the course of the investigation.

Step 2 – 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 sexual harassment complaint.

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

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

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

1. Provide the parties a written notice disclosing the following:
 - a. The allegations.

- b. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process for formal complaints.
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. As part of the consent process, all parties shall be informed of the rights being waived by agreeing to the informal resolution process, and shall acknowledge such agreement in writing.
 3. The informal resolution process shall be conducted within
 - { } five (5) school days
 - { } ten (10) school days
 - { } twenty (20) school days
 - { } _____ school days
 of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the center (school) employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within

- { } ten (10) school days
- { } twenty (20) school days
- { } _____ school days

after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the center (school)'s response was not deliberately indifferent to the reported complaint of sexual harassment.

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

Step 3 – Investigation

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

{ } twenty (20) school days.

{ } thirty (30) school days.

{ } _____ school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the center (school) obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the center (school) cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (Pol. 113.3, 207, 209, 216, Safe2Say Something Procedures)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

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

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The center (school) may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.

6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
 - a. Date.
 - b. Time.
 - c. Location.
 - d. Participants.
 - e. Purpose of all investigative interviews, other meetings or hearings, if applicable.
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the center (school) does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

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

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

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

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker, at least ten (10) school days prior to a hearing, if applicable.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Joint Operating Committee policy. (Pol. 218, 317.1, 806)

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

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

Step 4 – Written Determination and Center (School) Action

Designation of Decision-Maker -

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

{ } building administrator.

{ } Administrative Director.

{ } Director of Student Services.

{ } _____ Other.

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

{ } Formal Complaint Process Live Hearing

[NOTE: This option should be selected and included by a center (school) that administers programs which meet the definition of “institution of undergraduate higher education” or “institution of vocational education” under [34 CFR Sec. 106.2](#) which offer programs for adults;

consult with your school solicitor to determine if your center's (school's) programs meet one of these definitions. The following Live Hearing process would apply to adult students who are complainants or respondents enrolled in applicable programs.]

The center (school) shall provide a live hearing as part of a formal complaint process involving an adult student who is a complainant or respondent. The live hearing shall be conducted by the individual designated as the decision-maker for the formal complaint.

A live hearing shall be conducted at least ten (10) school days after the investigator completes the investigative report and provides it to all parties. Each party may refer to evidence from the investigative report during the hearing, including for purposes of cross-examination.

If a party does not have an advisor present for the live hearing, the center (school) shall provide an advisor of the center's (school's) choice to conduct cross-examination on behalf of that party. The advisor may be, but is not required to be, an attorney, and the center (school) shall not charge a fee for providing the advisor.

At the live hearing, the decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility.

At the request of either party, the center (school) shall conduct the live hearing with the parties located in separate rooms, with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions.

Cross-examination shall be conducted directly, orally and in real time by the party's advisor of choice and never by a party personally, notwithstanding the center's (school's) discretion to restrict the extent to which advisors may participate in proceedings of the formal complaint process.

Only relevant cross-examination and other questions may be asked of a party or witness. Prior to a complainant, respondent or witness answering a cross-examination or other question, the decision-maker shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an

inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

{ } Live hearings may be conducted virtually with technology enabling participants simultaneously to see and hear each other.

The center (school) shall create an audio or audiovisual recording, or transcript, of the live hearing and make it available to all parties for inspection and review.

Written Determination Submissions –

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

Relevant questions for a party or witness must be submitted by each party within

{ } three (3) school days

{ } five (5) school days

{ } _____ school days

following receipt of the investigative report. Follow-up questions must be submitted by each party within

{ } three (3) school days

{ } five (5) school days

{ } _____ school days

of being provided the answers to the initial questions.

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

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

Written Determination -

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

{ } *[Note: Centers (schools) may consult with their school solicitor and decide to use the “clear and convincing evidence” standard, as permitted by the federal regulations, in place of the “preponderance of the evidence” standard. However, the legal disadvantages of this should be carefully considered with the school solicitor.]* the clear and convincing evidence standard, meaning that the party bearing the burden of proof must show that the truth of the allegations is highly probable.

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

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

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

6. The procedures, deadline and permissible bases for the complainant and respondent to appeal.

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

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

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate center (school) officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with the Code of Student Conduct, Joint Operating Committee policies and administrative regulations, center (school) procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

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

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

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

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

{ } School solicitor or outside counsel.

{ } Outside hearing officer.

{ } _____ (Other).

For all appeals, the designated appeal authority shall:

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

Supporting statements must be submitted to the appeal authority and provided to the other party within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

of the written notice of appeal.

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

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

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within
 - { } five (5) school days.
 - { } ten (10) school days.
 - { } twenty (20) school days.
 - { } _____ school days.
5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

Recordkeeping

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

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

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

NOTE: THIS DOCUMENT SERVES AS A TEMPLATE ONLY AND HAS TO BE MODIFIED BY THE SCHOOL ENTITY PRIOR TO USE. THE DOCUMENT CANNOT BE USED IN ITS CURRENT FORM.

[CENTER (SCHOOL) LETTERHEAD]

ADDRESSED TO: Alleged Victims’ Parents/Guardians

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

Dear _____:

On [DATE] you met with [NAME OF: ADMINISTRATOR, COMPLIANCE OFFICER, **TITLE IX COORDINATOR**] to discuss an alleged violation of [CENTER (SCHOOL)] Policy No. 103, prohibiting **Title IX sexual harassment and other discrimination affecting students**. The allegations involved *[VERY BRIEF DESCRIPTION OF INCIDENT OR GENERAL INCIDENTS WITHOUT NAMING NAMES, e.g. that a fellow student reported a teacher inappropriately texted your child suggesting they have dinner together; that your student reported a classmate in his math class has been touching **their** thigh every day and talking about how cute **they are**, making **them** uncomfortable; that a custodian reported hearing an identified group of students use racial slurs against your child; that your child reported to you that a teacher criticized your family’s religion as being terroristic, etc.]*.

In this discussion, you stated that you wish to maintain confidentiality and do not consent to [STUDENT’S] participation in an investigation. Because the center (school) has a legal obligation to address potential violations of Policy 103, the center (school) will conduct an investigation and maintain confidentiality to the extent this is consistent with the center’s (school’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 [CENTER (SCHOOL)] 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 center (school) 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



Book	Policy Manual
Section	100 Programs
Title	Copy of Nondiscrimination in Employment/Contract Practices
Code	104
Status	
Adopted	July 1, 1991
Last Revised	February 10, 2003

Authority

~~The Executive Council is committed to providing all persons equal access to all categories of employment regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin or handicap/disability. The school shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.~~~~[1][2][3][4][9]~~

~~The Executive Council encourages all employees and third parties who have been subject to discrimination to promptly report all such incidents to designated employees.~~

~~The Executive Council directs that complaints of harassment shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the school's legal and investigative obligations. No reprisals or retaliation shall occur as a result of good faith charges of discrimination.~~

Delegation of Responsibility

~~In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Executive Council may appoint a Coordinator of Title VI, Title IX and Section 504 (Compliance Officer) to assume the responsibility of coordinating all implementing activities.~~

~~The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.~~

~~The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:~~

- ~~1. Development of position qualifications, job descriptions and essential job functions.~~
- ~~2. Recruitment material and practices.~~

3. ~~Procedures for screening, interviewing and hiring.~~
4. ~~Promotions.~~
5. ~~Disciplinary actions, up to and including terminations.~~

~~The Compliance Officer shall report to the Executive Council as needed on progress made in nondiscrimination for employment/contract practices.~~

Guidelines

Investigation

1. ~~An employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy is encouraged, orally or in writing, to immediately report the incident to his/her immediate supervisor, who shall inform the employee of his/her rights and of the complaint process.~~

~~If the immediate supervisor is the subject of a complaint, the employee or third party shall report the complaint directly to the Compliance Officer.~~
2. ~~The supervisor immediately shall conduct an impartial, thorough and confidential investigation of the alleged harassment.~~
3. ~~In determining whether alleged conduct constitutes discrimination, the totality of the circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated.~~
4. ~~The supervisor shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is in violation of this policy, and the recommending disposition of the complaint. Copies of the report shall be provided to the complainant, the accused, the Compliance Officer and others directly involved, as appropriate.~~

Discipline

1. ~~A substantiated charge against an employee shall subject such employee to disciplinary action, including discharge.[6][7][8]~~
2. ~~If it is concluded that an employee has made false accusations, such employee shall be subject to disciplinary action, consistent with the disciplinary policy and procedures, which may include discharge.[6][7][8]~~
3. ~~Disciplinary actions shall be consistent with Executive Council policies and school procedures, applicable collective bargaining agreements, and state and federal laws.[6][7][8]~~

Appeal Procedure

1. ~~If the complainant or accused is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.~~
2. ~~The Executive Council shall conduct a review of the complaint and issue a written response to the appeal within thirty (30) days following the Executive Council meeting at which the complaint was presented. Copies of the response shall be provided to the complainant, the accused, the Compliance Officer, and others directly involved, as appropriate.~~

Legal

1. 42 U.S.C. 2000e et seq
2. 20 U.S.C. 1681
3. 42 U.S.C. 12101 et seq
4. 29 U.S.C. 621 et seq
6. Pol. 317
7. Pol. 417
8. Pol. 517
9. 43 P.S. 951 et seq



Book	Policy Manual
Section	100 Programs
Title	Discrimination/Title IX Sexual Harassment Affecting Staff
Code	104
Status	Review

Authority

The Executive Council is committed to providing to all persons equal access to all categories of employment in this school, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The school shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations. [\[1\]](#) [\[2\]](#) [\[3\]](#) [\[4\]](#) [\[5\]](#) [\[6\]](#) [\[7\]](#) [\[8\]](#) [\[9\]](#) [\[10\]](#) [\[11\]](#) [\[12\]](#)

The Executive Council also declares it to be the policy of this school to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the school 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 Executive Council directs that the foregoing statement be included in each student and staff handbook, and that this policy and related attachments be posted to the school's website.

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

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Executive Council encourages employees and third parties who believe they or others have been subject to **Title IX sexual harassment, other discrimination or retaliation** to promptly report such incidents to **the Administrative Director. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.**

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

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

The Administrative Director shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

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

Disciplinary Procedures when Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The 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 process for formal complaints.

Administrative Leave –

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

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

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 sexual harassment**, shall be handled in accordance with **applicable law, regulations, this policy, the attachments** and the school's legal and investigative obligations. [\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)

Retaliation

The Executive Council prohibits retaliation by **the school** or any other person against any person for: [\[16\]](#)

1. Reporting **or making a formal complaint** of **any form of** discrimination **or retaliation, including Title IX sexual 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 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 they believe retaliation has occurred.

Definitions

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

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

Discrimination

Discrimination shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, creed, religion, sex, sexual orientation, genetic information, 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 school or school-related work performance, including when: [\[9\]](#)

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

Definitions Related to Title IX Sexual Harassment

Formal complaint shall mean a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the school investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. [\[15\]](#)[\[18\]](#)

Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. [\[18\]](#)

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to: [\[18\]](#)

1. **Counseling or Employee Assistance Program.**

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

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[\[18\]](#)

1. **A school employee conditioning the provision of an aid, benefit, or 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 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:**[\[19\]](#)
 - i. **Length of relationship.**
 - ii. **Type of relationship.**
 - iii. **Frequency of interaction between the persons involved in the relationship.**
 - b. ***Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.**[\[19\]](#)
 - c. ***Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.**[\[20\]](#)
 - 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: [\[19\]](#)

- i. **Fear for their safety or the safety of others.**
- ii. **Suffer substantial emotional distress.**

Such conduct must have taken place during a school education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the school exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus. [\[14\]](#)[\[15\]](#)[\[18\]](#)

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Executive Council designates the [\[21\]](#)

Human Resources Coordinator as the school's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 2740 York Road Jamison PA 18929

Email: HR@mbit.org

Phone Number: 215-343-2480 X205

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 and to monitor the implementation of **the school's** nondiscrimination procedures in the following areas, **as appropriate**:

1. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; school designed performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.
2. Training - **Provide** training for supervisors and staff to prevent, identify and alleviate problems of employment discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the 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. **Reports/Formal** Complaints - Monitor and provide technical assistance to **individuals involved in managing informal reports and formal** complaints.

Guidelines

Title IX Sexual Harassment Training Requirements

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

- 1. Definition of sexual harassment.**
- 2. Scope of the school'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, conducting hearings (if applicable), 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 Executive Council 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 school's website.

Disciplinary Consequences

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Executive Council policy, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.[22][23][24][25]

Reports of Discrimination

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

Reports of Title IX Sexual Harassment

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

Legal

1. 43 P.S. 336.3
2. 43 P.S. 951 et seq
3. 34 CFR Part 106
4. 20 U.S.C. 1681 et seq
5. 29 U.S.C. 206
6. 29 U.S.C. 621 et seq
7. 29 U.S.C. 794
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. 42 U.S.C. 12101 et seq
12. U.S. Const. Amend. XIV, Equal Protection Clause
13. 20 U.S.C. 1232g
14. 34 CFR 106.44
15. 34 CFR 106.45
16. 34 CFR 106.71
17. 34 CFR Part 99
18. 34 CFR 106.30
19. 34 U.S.C. 12291
20. 20 U.S.C. 1092
21. 34 CFR 106.8
22. Pol. 317
23. Pol. 317.1
24. Pol. 806
25. Pol. 824
- 16 PA Code 44.1 et seq
- 18 Pa. C.S.A. 2709
- 28 CFR 35.140
- 28 CFR Part 41
- 29 CFR Parts 1600-1691
- EEOC Enforcement Guidance on Harris v. Forklift Sys., Inc., November 9, 1993
- EEOC Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 18, 1999
- EEOC Policy Guidance on Current Issues of Sexual Harassment, March 19, 1990
- Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998)
- Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
- Pol. 320
- Pol. 815
- Pol. 832

104-Attach 1 Report Form.pdf (148 KB)

104-Attach 2 Discrimination.docx (41 KB)

104-Attach 3 Title IX.docx (78 KB)

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

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

Position:

Address:

Email:

Phone Number:

Retaliation Prohibited

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

Confidentiality

Confidentiality of all parties, witnesses, the allegations and the filing of a report shall be handled in accordance with policy, procedures, and the school entity's legal and investigative obligations. The school entity will take all reasonable steps to investigate and respond to the report, consistent with a request for confidentiality as long as doing so does not preclude the school entity 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 school entity has an obligation to investigate the information provided.

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

I. Information About the Person Making This Report:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

I am a/an:

Employee Volunteer Visitor

Other _____ (please explain relationship to the school entity)

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

Name: _____

The alleged victim is:

Another Employee Student

Other: _____ (please explain relationship to the alleged victim)

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

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

Name(s):

The reported individual(s) is/are:

Student(s) Employee(s)

Other _____ (please explain relationship to the school entity)

III. Description of the Conduct You are Reporting

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

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

Where did the reported conduct take place?

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

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

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

Yes No

If yes, who did you tell about it?

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

I certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge. I understand that any false information provided herein is subject to penalties contained in 18 Pa. C.S.A. Sec. 4904, relating to unsworn falsification to authorities.

Signature of Person Making the Report

Date

Received By

Date

FOR OFFICIAL USE ONLY

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

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

Upon receipt of the report, The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures as described in Policy 104 and Attachment 3. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

I. Reporter Information:

Name: _____

Address: _____

Phone Number: _____

Assigned School Building(s):

Reporter is a/an:

Employee Volunteer Visitor

Other _____ (please explain relationship to the school entity)

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

Name: _____

The alleged victim is:

Another Employee Student

Other: _____ (please explain relationship to the alleged victim)

II. Respondent Information

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

Name(s):

The reported respondent(s) is/are:

- Student(s) Employee(s)
- Other _____ (please explain relationship to the school entity)

III. Level of Report:

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

IV. Type of Report:

- Title IX Sexual Harassment Discrimination Retaliation Other _____

Nature of the Report (check all that apply):

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

V. Reported Conduct

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

How often did the conduct occur?

Is it being repeated? Yes No

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

No.

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

Date Director of Special Education was contacted: _____

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

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

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

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

VI. Safety Concerns

Are there safety concerns that may require Emergency Removal or Administrative Leave 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 an individual.)

No.

Yes, please describe:

VII. Other Reports

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

No

Yes Date reported: _____ Agency: _____

VIII. Identification of Policies Implicated by Reported Conduct

Check all that apply:

Policy 103. Discrimination/Title IX Sexual Harassment Affecting Students

Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff

Other _____

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

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

Yes

No

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

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

Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity.

Sexual assault, dating violence, domestic violence or stalking.

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

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

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual assault means a sexual offense under a state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Stalking means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:

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

IX. Recommended Course of Action

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

No further action at this time. Reason:

Policy 104 Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 2
Discrimination Complaint Procedures

Policy 104. Discrimination/Title IX Sexual Harassment Affecting Staff: Attachment 3 Title IX
Sexual Harassment Procedures and Grievance Process for Formal Complaints

Other _____

X. Title IX Information to Complainant

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

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

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

XI. Title IX Coordinator Signature

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

Title IX Coordinator: _____

Date: _____

XII. Title IX Formal Complaint Action

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

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

Yes No

Complainant’s Signature: _____

Date: _____

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

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

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

Title IX Coordinator's Signature: _____

Date: _____

DISCRIMINATION COMPLAINT PROCEDURES

The Discrimination Complaint Procedures prescribed in this Attachment apply to reports of retaliation or discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability that do not constitute Title IX sexual harassment as defined in Policy 104.

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

[Note: if the same individual is assigned to the roles of Title IX Coordinator and Compliance Officer through Policy 104, please revise the terminology in this Attachment 2 to reflect the position of Title IX Coordinator/Compliance Officer throughout.]

All reports of discrimination and retaliation brought pursuant to the Joint Operating Committee's discrimination policy shall also be reviewed for conduct which may not be proven discriminatory under Policy 104 but merits review and possible action under other Joint Operating Committee policies or the Code of Student Conduct for students. (Pol. 103.1, 218,317)

Definitions

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

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

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

Harassment is a form of discrimination based on the protected classifications listed in the policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or

put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related work performance, including when:

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

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

Reasonable Accommodations

Throughout the discrimination complaint procedures, the center (school) shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, consistent with the requirements of federal and state laws and regulations and Joint Operating Committee policy. (Pol. 103.1, 104, 113, 832, 906)

Required Reporting Under Other Policies

In addition to implementing the disciplinary complaint procedures, the building administrator, building administrator or Compliance Officer shall ensure that reported conduct which meets the definition of other laws, regulations or Joint Operating Committee policies, is also appropriately addressed in accordance with the applicable laws, regulations or Joint Operating Committee policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 218, 317.1, 805.1, 806, 824)

Timeframes

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

The established timeframes included in these procedures may be adjusted to allow for a temporary delay or a limited extension of time for good cause. Written notice of the delay or extension and the reason for such action shall be provided to the complainant and the respondent,

and documented with the records of the complaint. Good cause may include, but is not limited to, considerations such as:

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

PROCEDURES FOR COMPLAINTS OF DISCRIMINATION

Step 1 – Reporting

An employee or individual who believes they have been subject to discrimination by any center (school) student, employee or third party is encouraged to immediately report the incident to the building administrator using the Discrimination/Sexual Harassment/Retaliation Report Form or by making a general report verbally or in writing to the building administrator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

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

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

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

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

The Title IX Coordinator shall review reports and complaints, and may gather additional information from the individual submitting the report and other parties identified in the report using the Discrimination/Sexual Harassment/Retaliation Report Form. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

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

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

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

Step 2 – Initial Communications/Supports

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

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

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

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

Informal Remedies -

At any time after a complaint has been reported, if the Compliance Officer believes the circumstances are appropriate, the Compliance Officer may offer the parties involved in the complaint the opportunity to participate in informal remedies to address the reported conduct. Informal remedies can take many forms, depending on the particular case. Examples include, but are not limited to, mediation, facilitated discussions between the parties, acknowledgment of responsibility by a respondent, apologies, a requirement to engage in specific services such as an Employee Assistance Program, or other measures to support the parties.

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

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

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

Step 3 – Investigation

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

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

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

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

The investigation may consist of individual interviews with the complainant, the respondent, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties,

parents/guardians, if applicable, and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

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

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

Step 4 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer within

{ } twenty (20) school days

{ } thirty (30) school days

{ } _____ school days

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

The investigative report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated Joint Operating Committee Policy 104 and of any other violations of law or Joint Operating Committee policy which may warrant further action by the center (school), and a recommended disposition of the complaint. An investigation into discrimination or harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of Joint Operating Committee policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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

Step 5 – Action by the Center (School)

If the investigation results in a finding that some or all of the allegations of the discrimination complaint are founded and constitute a violation of Joint Operating Committee policy, the center (school) shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The center (school) 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 center (school) education program or activity. Center (School) staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of Policy 104 or these procedures, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary. (Pol. 113.1, 218, 233,317)

Disciplinary actions shall be consistent with Joint Operating Committee policies and procedures, administrative regulations, the Code of Student Conduct for students, applicable collective bargaining agreements, and state and federal laws and regulations. (Pol. 103, 104, 113.1, 218, 233, 317, 317.1)

Appeal Procedure

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

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

The person handling the appeal shall prepare a written response to the appeal within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

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

TITLE IX SEXUAL HARASSMENT PROCEDURES AND GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

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

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

NOTE: For a center (school) that runs postsecondary adult education programs, such as a CDL training program or nursing program, which meet the definition of “institution of undergraduate higher education” or “institution of vocational education” under federal regulations [34 CFR Sec. 106.2](#), additional provisions may need to be added to the language addressing Title IX Sexual Harassment. Please consult with your school solicitor to determine if center (school) programs meet one of these definitions.

A center (school) who meets the definition for postsecondary in their adult education programs must provide an “advisor” to a party that is an adult education program student if the party is not able to designate their own advisor (does not have to be an attorney, but may need to be a volunteer, instructor, or someone from the IU or another entity who would not have a bias or stake in the outcome).

A center (school) who meets this definition is also required to provide a live hearing process as part of the grievance process for formal complaints, which would apply to adult students who are complainants or respondents enrolled in applicable programs—please see optional language noted below.

Definitions

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the center (school)’s Title IX Coordinator or any center (school) official who has the authority to institute corrective measures on behalf of the center (school), or to any employee of a secondary school, other than the respondent.

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

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

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

process. The phrase “**document filed by a complainant**” refers to a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

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

The following actions shall not constitute retaliation:

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

Supportive measures mean nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures shall be designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:

1. Counseling or Employee Assistance Program.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Changes in work locations.
7. Leaves of absence.
8. Increased security.

9. Monitoring of certain areas of the campus.
10. Assistance from domestic violence or rape crisis programs.
11. Assistance from community health resources including counseling resources.

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

1. A center (school) employee conditioning the provision of an aid, benefit, or 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 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:
 - 1) Length of relationship.
 - 2) Type of relationship.
 - 3) Frequency of interaction between the persons involved in the relationship.
 - b. **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - c. **Sexual assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - d. **Stalking**, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - 1) Fear for their safety or the safety of others.

- 2) Suffer substantial emotional distress.

Such conduct must have taken place during a center (school) education program or activity and against a person in the United States to qualify as sexual harassment subject to Title IX regulations. An **education program or activity** includes the locations, events or circumstances over which the center (school) exercises substantial control over both the respondent and the context in which the harassment occurs.

TITLE IX SEXUAL HARASSMENT PROCEDURES

General Response – (with or without a formal complaint)

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

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

Center (School) staff who become aware of harassment or other discrimination affecting a staff member shall promptly report it to the building administrator.

If a student is identified as a party in the report, parents/guardians have the right to act on behalf of the student at any time.

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

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

The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

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

1. Meets the definition of Title IX sexual harassment.
2. Occurred in a center (school) program or activity under the control of the center (school) and against a person in the United States.
3. Involves other Joint Operating Committee policies or the Code of Student Conduct.
4. Indicates, based on an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of an individual.
5. Involves a student identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. (Pol. 103.1, 113)

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

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

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

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

Confidentiality regarding the supportive measures offered and the identity of the following individuals shall be maintained, except as may be permitted by law or regulations relating to the conduct of any investigation or hearing, if applicable: (20 U.S.C. Sec. 1232g; 34 CFR Parts 99, 106; Pol. 113.3, 216, 324)

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

The center (school) shall treat complainants and respondents equitably by:

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

Supportive Measures -

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

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

Reasonable Accommodations –

Throughout the Title IX sexual harassment procedures, the center (school) shall make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for any party, consistent with the requirements of federal and state laws and regulations and Joint Operating Committee policy. (Pol. 103.1, 104, 113, 832, 906)

Employee Disciplinary Procedures When Reports Allege Title IX Sexual Harassment -

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

Administrative Leave –

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

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

Required Reporting Under Other Policies -

In addition to implementing the Title IX sexual harassment procedures, the Title IX Coordinator shall ensure that reported conduct which meets the definition of other laws, regulations or Joint Operating Committee policies, is also appropriately addressed in accordance with the applicable laws, regulations or Joint Operating Committee policies, including but not limited to, incidents under the Safe Schools Act, reports of educator misconduct, threats, or reports of suspected child abuse. (Pol. 317.1, 805.1, 806, 824)

Timeframes

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

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

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

Redirection or Dismissal of Title IX Formal Complaints

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

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

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

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

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

Consolidation of Title IX Formal Complaints

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

GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

Step 1 – Formal Complaint

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

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

The Title IX Coordinator shall assess whether the investigation should be conducted by the building administrator, another center (school) employee, the Title IX Coordinator or an attorney and shall promptly assign the investigation to that individual.

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

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

Notice Requirements -

Upon receipt of a formal complaint, or when the Title IX Coordinator signs a formal complaint to initiate the grievance process for formal complaints, the Title IX Coordinator shall provide written notice to all known parties, and the parents/guardians of known parties, if applicable, providing the following information:

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

6. Notice to all known parties of any additional allegations that the center (school) decides to investigate during the course of the investigation.

Step 2 – 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 sexual harassment complaint.

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

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

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

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

3. The informal resolution process shall be conducted within

{ } five (5) school days

{ } ten (10) school days

{ } twenty (20) school days

{ } _____ school days

of the parties' signed agreement for the informal resolution process.

If the matter is resolved to the satisfaction of the parties, the center (school) employee facilitating the informal resolution process shall document the nature of the complaint and the proposed resolution of the matter, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within

{ } ten (10) school days

{ } twenty (20) school days

{ } _____ school days

after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution was effective and to monitor the agreed upon remedies. The Title IX Coordinator shall document the informal resolution process, responses from all parties, and an explanation of why the center (school)'s response was not deliberately indifferent to the reported complaint of sexual harassment.

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

Step 3 – Investigation

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

{ } twenty (20) school days.

{ } thirty (30) school days.

{ } _____ school days.

When investigating a formal complaint, the investigator shall:

1. Bear the burden of proof and gather evidence and conduct interviews sufficient to reach a written determination. During the process of gathering evidence, unless the center (school) obtains the voluntary, written consent of the party, or the party's parent/guardian when legally required, the center (school) cannot access, consider, disclose or otherwise use a party's records which are protected by legal privilege, such as those records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with providing treatment to the party. (For students - Pol. 113.3, 207, 209, 216; Safe2Say Something Procedures)
2. Objectively evaluate all available evidence, including inculpatory and exculpatory evidence.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

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

5. Provide the parties with the same opportunities to have others present during any interview or other meeting, including an advisor of the party's choice. The center (school) may establish restrictions, applicable to both parties, regarding the extent to which the advisor may participate.
6. Provide written notice to any party whose participation is invited or expected during the investigation process with the following information, in sufficient time for the party to prepare to participate:
 - a. Date.
 - b. Time.
 - c. Location.
 - d. Participants.
 - e. Purpose of all investigative interviews, other meetings or hearings, if applicable.

7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including evidence the center (school) does not intend to rely on to reach a determination regarding responsibility and any inculpatory and exculpatory evidence, whether obtained from a party or other source.

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

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

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

The investigator shall draft an investigative report that fairly summarizes relevant evidence and shall provide the investigative report to all parties and to the designated decision-maker, at least ten (10) school days prior to a hearing, if applicable.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations and make any additional required reports, in accordance with law, regulations and Joint Operating Committee policy. (Pol. 218, 317.1, 805.1, 806)

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

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

process for formal complaints; however, an employee may be placed on administrative leave in accordance with the provisions of this Attachment. A decision whether and when to take disciplinary action should be made in consultation with the school solicitor.

Step 4 – Written Determination and Center (School) Action

Designation of Decision-Maker -

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

{ } building administrator.

{ } Administrative Director.

{ } Director of Student Services.

{ } _____ Other.

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

{ } Formal Complaint Process Live Hearing

[NOTE: This option should be selected and included by a center (school) that administers programs which meet the definition of “institution of undergraduate higher education” or “institution of vocational education” under [34 CFR Sec. 106.2](#) which offer programs for adults; consult with your school solicitor to determine if your center’s (school’s) programs meet one of these definitions. The following Live Hearing process would apply to adult students who are complainants or respondents enrolled in applicable programs.]

The center (school) shall provide a live hearing as part of a formal complaint process involving an adult student who is a complainant or respondent. The live hearing shall be conducted by the individual designated as the decision-maker for the formal complaint.

A live hearing shall be conducted at least ten (10) school days after the investigator completes the investigative report and provides it to all parties. Each party may refer to evidence from the investigative report during the hearing, including for purposes of cross-examination.

If a party does not have an advisor present for the live hearing, the center (school) shall provide an advisor of the center’s (school’s) choice to conduct cross-examination on behalf of that party. The advisor may be, but is not required to be, an attorney, and the center (school) shall not charge a fee for providing the advisor.

At the live hearing, the decision-maker shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility.

At the request of either party, the center (school) shall conduct the live hearing with the parties located in separate rooms, with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions.

Cross-examination shall be conducted directly, orally and in real time by the party's advisor of choice and never by a party personally, notwithstanding the center's (school's) discretion to restrict the extent to which advisors may participate in proceedings of the formal complaint process.

Only relevant cross-examination and other questions may be asked of a party or witness. Prior to a complainant, respondent or witness answering a cross-examination or other question, the decision-maker shall first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

{ } Live hearings may be conducted virtually with technology enabling participants simultaneously to see and hear each other.

The center (school) shall create an audio or audiovisual recording, or transcript, of the live hearing and make it available to all parties for inspection and review.

Written Determination Submissions -

A written determination of responsibility (written determination) must not be finalized less than ten (10) days after the investigator completes the investigative report and provides it to all parties. Whether or not a live hearing is provided, if applicable, before the decision-maker reaches a determination regarding responsibility, the decision-maker shall afford each party the

opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, shall provide each party with the answers, and shall allow for additional, limited follow-up questions from each party.

Relevant questions for a party or witness must be submitted by each party within

{ } three (3) school days

{ } five (5) school days

{ } _____ school days

following receipt of the investigative report. Follow-up questions must be submitted by each party within

{ } three (3) school days

{ } five (5) school days

{ } _____ school days

of being provided the answers to the initial questions.

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

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

Written Determination -

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

{ } [Note: Centers (schools) may consult with their school solicitor and decide to use the “clear and convincing evidence” standard, as permitted by the federal regulations, in place of the “preponderance of the evidence” standard. However, the legal disadvantages of this should be carefully considered with the school solicitor.] the clear and convincing evidence standard, meaning that the party bearing the burden of proof must show that the truth of the allegations is highly probable.

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

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

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

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

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

The Title IX Coordinator shall be responsible to ensure that any remedies are implemented by the appropriate center (school) officials and for following up as needed to assess the effectiveness of such remedies. Disciplinary actions shall be consistent with Joint Operating Committee policies and administrative regulations, the Code of Student Conduct, center (school) procedures, applicable collective bargaining agreements, and state and federal laws and regulations, including specific requirements and provisions for students with disabilities. (Pol. 113.1, 218, 233, 317, 317.1)

Appeal Process

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

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

Written notice of a party's appeal shall be submitted to the Title IX Coordinator within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

after the date of the written determination. Notice of appeal shall include a brief statement describing the basis for the appeal.

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

{ } School solicitor or outside counsel.

{ } Outside hearing officer.

{ } _____ (Other).

For all appeals, the designated appeal authority shall:

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

Supporting statements must be submitted to the appeal authority and provided to the other party within

{ } five (5) school days

{ } ten (10) school days

{ } _____ school days

of the written notice of appeal.

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

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

3. Determine whether the appeal meets the grounds for permitted reasons for appeal and justifies modifying the written determination.
4. Issue a written decision setting forth the respects, if any, in which the written determination is modified and the rationale for the result within

{ } five (5) school days.

{ } ten (10) school days.

{ } twenty (20) school days.

{ } _____ school days.

5. Provide the written decision simultaneously to both parties. A copy of the written decision shall also be provided to the Title IX Coordinator.

Recordkeeping

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

1. Each Title IX sexual harassment investigation, including any written determination and any audio or audiovisual recording or transcript, and disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the center (school)'s education program or activity.
2. Any appeal and the result.
3. Any informal resolution and the result.
4. All materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process.
5. Records of any center (school) actions, including any supportive measures, taken in response to a report or formal complaint of Title IX sexual harassment. In each instance, the center (school) 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 center (school)'s education program or activity. If a center (school) does not provide a complainant with supportive measures, then the center (school) 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 center (school) in the future from providing additional explanations or detailing additional measures taken.



Book	Policy Manual
Section	100 Programs
Title	Copy of Adoption of Textbooks
Code	108
Status	
Adopted	July 1, 1991

Purpose

~~It is the responsibility of the Executive Council to adopt all textbooks used as part of the educational program of this school. [1][2].~~

Definition

~~For purposes of this policy, **textbooks** shall be defined as those books which are to be used as the basic source of any information in any class.~~

Responsibility

~~The Director shall be responsible for the selection and recommendation of textbooks for consideration by the Executive Council. No adoption or change of textbook shall be made without his/her recommendation, except by a two-thirds vote of the Executive Council. [3].~~

~~The Director shall develop a plan for the selection of textbooks which ensures that professional staff members shall participate in the selection process and that textbooks currently in use shall be periodically evaluated for their continuing usefulness and relevance.~~

Legal	1. 24 P.S. 801
	2. 24 P.S. 803
	3. 24 P.S. 508



Book	Policy Manual
Section	100 Programs
Title	Adoption of Textbooks
Code	108
Status	Review

Authority

The Executive Council shall, by an affirmative vote of a majority of the full Executive Council, adopt all textbooks used for instruction in the center's (school's) educational program. The Executive Council shall establish a planned cycle of textbook review and replacement. [1][2][3][4][5]

Definition

For purposes of this policy, **textbooks** shall be defined as the books, **in print or digital format**, used as the basic source of any information in the planned instruction.

Delegation of Responsibility

The Administrative Director, **after consultation with administrative and professional staff**, shall be responsible for the selection and recommendation of textbooks for Executive Council consideration. No adoption or change of textbooks shall be made without the Administrative Director's recommendation, except by a two-thirds vote of the Executive Council. [1][3][5]

The Administrative Director or designee shall establish procedures for reviewing, evaluating and selecting textbooks.

A list of all approved textbooks used in the school shall be maintained by the Administrative Director or designee and shall be available to Executive Council members, staff, students, parents/guardians and community members. [6]

Legal

1. 24 P.S. 508
2. 24 P.S. 801
3. 24 P.S. 803
4. 24 P.S. 1850.1
5. Pol. 006
6. Pol. 105.1
- 24 P.S. 807.1
- 22 PA Code 14.106
- Pol. 103.1
- Pol. 610

Middle Bucks Institute of Technology

Li L Bucks Preschool at MBIT For the Period 12/01/2020 through 12/31/2020

Fiscal Year: 2020-2021

	12/01/2020 - 12/31/2020	Year To Date
INCOME		
TUITION & FEES		
PRE SCHOOL TUITION (+)	\$16,961.91	\$89,354.88
FEES & DEPOSITS (+)	\$0.00	\$1,400.00
Sub-total : TUITION & FEES	\$16,961.91	\$90,754.88
Total : INCOME	\$16,961.91	\$90,754.88
EXPENSES		
OPERATING EXPENSES		
WAGES (-)	\$19,820.04	\$59,310.59
BENEFITS (-)	\$9,501.55	\$34,445.15
PROF SERVICES (-)	\$0.00	(\$327.50)
PROPERTY SERVICES (-)	\$0.00	\$1,950.00
OTHER PURCHASED SERVICES (-)	\$0.00	\$378.00
SUPPLIES (-)	\$3,700.23	\$17,843.63
EQUIPMENT (-)	\$73.11	\$182.81
DUES & FEES (-)	\$349.92	\$1,357.97
Sub-total : OPERATING EXPENSES	(\$33,444.85)	(\$115,140.65)
Total : EXPENSES	(\$33,444.85)	(\$115,140.65)
OTHER		
OTHER INCOME		
CARES GRANT (+)	\$0.00	\$39,200.00
SUBSIDIES - SS & RETIREMENT (+)	\$4,101.10	\$12,264.39
Sub-total : OTHER INCOME	\$4,101.10	\$51,464.39
Total : OTHER	\$4,101.10	\$51,464.39
NET ADDITION/(DEFICIT)	(\$12,381.84)	\$27,078.62

End of Report

Middle Bucks Institute of Technology

Li L Bucks Preschool at MBIT As of 12/31/2020

Fiscal Year: 2020-2021

ASSETS

CURRENT ASSETS

CASH (+) \$46,420.12

ACCOUNTS RECEIVABLE (+) \$1,585.29

Sub-total : CURRENT ASSETS \$48,005.41

CAPITAL ASSETS, NET ACCUM
DEPREC

EQUIPMENT (+) \$11,225.59

Sub-total : CAPITAL ASSETS, NET
ACCUM DEPREC \$11,225.59

Total : ASSETS \$59,231.00

LIABILITIES

EMPLOYMENT TAX WITHHOLDINGS

PAYROLL WITHHOLDINGS (+) \$16,356.01

Sub-total : EMPLOYMENT TAX
WITHHOLDINGS \$16,356.01

Total : LIABILITIES \$16,356.01

EQUITY

FUND BALANCE

NET ASSETS (+) \$15,796.37

Sub-total : FUND BALANCE \$15,796.37

NET ADDITION/(DEFICIT)

NET ADDITION/(DEFICIT) (+) \$27,078.62

Sub-total : NET ADDITION/(DEFICIT) \$27,078.62

Total : EQUITY \$42,874.99

Total LIABILITIES + EQUITY \$59,231.00

End of Report

Middle Bucks Institute of Technology

Li L Bucks Preschool at MBIT For the Period 12/01/2019 through 12/31/2019

Fiscal Year: 2019-2020

	12/01/2019 - 12/31/2019	Year To Date
INCOME		
TUITION & FEES		
PRE SCHOOL TUITION (+)	\$15,403.70	\$85,888.09
Sub-total : TUITION & FEES	\$15,403.70	\$85,888.09
Total : INCOME	\$15,403.70	\$85,888.09
EXPENSES		
OPERATING EXPENSES		
WAGES (-)	\$10,901.58	\$42,941.66
BENEFITS (-)	\$6,318.76	\$30,298.88
PROF SERVICES (-)	\$0.00	\$420.95
OTHER PURCHASED SERVICES (-)	\$0.00	\$411.75
SUPPLIES (-)	\$3,313.33	\$6,358.85
EQUIPMENT (-)	\$109.69	\$658.15
DUES & FEES (-)	\$335.36	\$1,658.82
Sub-total : OPERATING EXPENSES	(\$20,978.72)	(\$82,749.06)
Total : EXPENSES	(\$20,978.72)	(\$82,749.06)
OTHER		
OTHER INCOME		
SUBSIDIES - SS & RETIREMENT (+)	\$2,050.93	\$8,175.99
Sub-total : OTHER INCOME	\$2,050.93	\$8,175.99
Total : OTHER	\$2,050.93	\$8,175.99
NET ADDITION/(DEFICIT)	(\$3,524.09)	\$11,315.02

End of Report

Middle Bucks Institute of Technology

Li L Bucks Preschool at MBIT As of 12/31/2019

Fiscal Year: 2019-2020

ASSETS

CURRENT ASSETS

CASH (+) \$53,234.49

ACCOUNTS RECEIVABLE (+) \$450.49

Sub-total : CURRENT ASSETS \$53,684.98

CAPITAL ASSETS, NET ACCUM
DEPREC

EQUIPMENT (+) \$11,188.54

Sub-total : CAPITAL ASSETS, NET
ACCUM DEPREC \$11,188.54

Total : ASSETS \$64,873.52

LIABILITIES

EMPLOYMENT TAX WITHHOLDINGS

PAYROLL WITHHOLDINGS (+) \$10,288.57

Sub-total : EMPLOYMENT TAX
WITHHOLDINGS \$10,288.57

Total : LIABILITIES \$10,288.57

EQUITY

FUND BALANCE

NET ASSETS (+) \$43,269.93

Sub-total : FUND BALANCE \$43,269.93

NET ADDITION/(DEFICIT)

NET ADDITION/(DEFICIT) (+) \$11,315.02

Sub-total : NET ADDITION/(DEFICIT) \$11,315.02

Total : EQUITY \$54,584.95

Total LIABILITIES + EQUITY \$64,873.52

End of Report

Middle Bucks Institute of Technology

Adult Education For the Period 12/01/2020 through 12/31/2020

Fiscal Year: 2020-2021

	12/01/2020 - 12/31/2020	Year To Date
INCOME		
Local Revenue		
Registration Fees & Tuition (+)	\$3,985.00	\$20,997.00
Sub-total : Local Revenue	\$3,985.00	\$20,997.00
State Subsidies		
Social Security Subsidy (+)	\$207.12	\$902.10
Retirement Subsidy (+)	\$830.89	\$3,715.30
Sub-total : State Subsidies	\$1,038.01	\$4,617.40
Total : INCOME	\$5,023.01	\$25,614.40
EXPENSES		
Salaries		
Administrative (-)	\$3,530.40	\$16,475.20
Instructors (-)	\$1,885.00	\$7,025.00
Support (-)	\$0.00	\$90.00
Sub-total : Salaries	(\$5,415.40)	(\$23,590.20)
Benefits		
Statutory (-)	\$2,090.11	\$10,216.92
Sub-total : Benefits	(\$2,090.11)	(\$10,216.92)
Property Services		
Repairs & Maintenance (-)	\$4.95	\$29.70
Sub-total : Property Services	(\$4.95)	(\$29.70)
Supplies		
Consumable Supplies (-)	\$472.87	\$580.83
Books & Periodicals (-)	\$0.00	\$2,234.76
Sub-total : Supplies	(\$472.87)	(\$2,815.59)
Other		
Dues & Fees (-)	\$136.97	\$1,371.53
Sub-total : Other	(\$136.97)	(\$1,371.53)
Total : EXPENSES	(\$8,120.30)	(\$38,023.94)
NET ADDITION/(DEFICIT)	(\$3,097.29)	(\$12,409.54)

End of Report

Middle Bucks Institute of Technology

Adult Education As of 12/31/2020

Fiscal Year: 2020-2021

ASSETS

CURRENT ASSETS

CASH & INVESTMENTS (+) \$207,541.98

DUE FROM (TO) OTHER FUNDS (+) (\$622.00)

Sub-total : CURRENT ASSETS \$206,919.98

Total : ASSETS

\$206,919.98

LIABILITIES

CURRENT LIABILITIES

ACCRUED BENEFITS (+) \$4,587.84

Sub-total : CURRENT LIABILITIES \$4,587.84

Total : LIABILITIES

\$4,587.84

EQUITY

FUND BALANCE

BEGINNING FUND BALANCE (+) \$214,741.68

Sub-total : FUND BALANCE \$214,741.68

NET ADDITION/(DEFICIT)

NET ADDITION/(DEFICIT) (+) (\$12,409.54)

Sub-total : NET ADDITION/(DEFICIT) (\$12,409.54)

Total : EQUITY

\$202,332.14

Total LIABILITIES + EQUITY

\$206,919.98

End of Report

Middle Bucks Institute of Technology

Adult Education For the Period 12/01/2019 through 12/31/2019

Fiscal Year: 2019-2020

	12/01/2019 - 12/31/2019	Year To Date
INCOME		
Local Revenue		
Registration Fees & Tuition (+)	\$21,310.00	\$77,044.00
Sub-total : Local Revenue	\$21,310.00	\$77,044.00
State Subsidies		
Social Security Subsidy (+)	\$251.99	\$1,214.05
Retirement Subsidy (+)	\$578.84	\$3,372.33
Sub-total : State Subsidies	\$830.83	\$4,586.38
Total : INCOME	\$22,140.83	\$81,630.38
EXPENSES		
Salaries		
Administrative (-)	\$2,312.80	\$15,033.20
Instructors (-)	\$3,375.00	\$13,855.00
Support (-)	\$904.95	\$3,146.13
Sub-total : Salaries	(\$6,592.75)	(\$32,034.33)
Benefits		
Statutory (-)	\$1,661.64	\$9,699.74
Sub-total : Benefits	(\$1,661.64)	(\$9,699.74)
Property Services		
Repairs & Maintenance (-)	\$4.95	\$29.70
Sub-total : Property Services	(\$4.95)	(\$29.70)
Other Purchased Services		
Postage (-)	\$4,814.73	\$9,629.97
Advertising (-)	\$0.00	\$467.75
Printing & Binding (-)	\$0.00	\$5,225.70
Travel & Prof. Development (-)	\$0.00	\$450.84
Sub-total : Other Purchased Services	(\$4,814.73)	(\$15,774.26)
Supplies		
Consumable Supplies (-)	\$354.76	\$2,301.44
Books & Periodicals (-)	\$0.00	\$3,909.00
Software & Audio Visual (-)	\$0.00	\$90.66
Utilities (-)	\$300.00	\$1,462.13
Sub-total : Supplies	(\$654.76)	(\$7,763.23)
Dues & Fees		
Dues & Fees (-)	\$94.13	\$1,835.19
Sub-total : Dues & Fees	(\$94.13)	(\$1,835.19)
Total : EXPENSES	(\$13,822.96)	(\$67,136.45)

Middle Bucks Institute of Technology

Adult Education For the Period 12/01/2019 through 12/31/2019

Fiscal Year: 2019-2020

	12/01/2019 - 12/31/2019	Year To Date
NET ADDITION/(DEFICIT)	\$8,317.87	\$14,493.93

End of Report

Middle Bucks Institute of Technology

Adult Education As of 12/31/2019

Fiscal Year: 2019-2020

ASSETS

CURRENT ASSETS

CASH & INVESTMENTS (+)	\$244,852.43
ACCOUNTS RECEIVABLE (+)	\$44.00
DUE FROM (TO) OTHER FUNDS (+)	(\$300.00)

Sub-total : CURRENT ASSETS \$244,596.43

Total : ASSETS \$244,596.43

LIABILITIES

CURRENT LIABILITIES

ACCRUED BENEFITS (+)	\$3,871.26
OTHER ACCRUED BENEFITS PAYABLE (+)	\$8.18

Sub-total : CURRENT LIABILITIES \$3,879.44

Total : LIABILITIES \$3,879.44

EQUITY

FUND BALANCE

BEGINNING FUND BALANCE (+)	\$226,223.06
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Sub-total : FUND BALANCE \$226,223.06

NET ADDITION/(DEFICIT)

NET ADDITION/(DEFICIT) (+)	\$14,493.93
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Sub-total : NET ADDITION/(DEFICIT) \$14,493.93

Total : EQUITY \$240,716.99

Total LIABILITIES + EQUITY \$244,596.43

End of Report