103 NON-DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING STUDENTS
BOARD ADOPTED NOVEMBER 16, 2020

A. AUTHORITY

1. The Board declares it to be the policy of this Intermediate Unit to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the schools without discrimination on the basis of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.

2. The Board also declares it to be the policy of this Intermediate Unit 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 Intermediate Unit may be referred to the Title IX Coordinator (Students), to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

3. The Intermediate Unit 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, athletics and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the Intermediate Unit and is prohibited at or, in the course of, Intermediate Unit-sponsored programs or activities, including transportation to or from school or school-sponsored activities.

4. The Board directs that the foregoing statement of Board policy be included in each student handbook, and that this policy be posted to the Intermediate Unit’s website.

5. The Board requires a notice stating that the Intermediate Unit does not discriminate in any manner, including Title IX sexual harassment, in any Intermediate Unit 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 Intermediate Unit. 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 (Students) and Title IX Coordinator (Students).

B. REPORTS OF TITLE IX SEXUAL HARASSMENT AND OTHER DISCRIMINATION AND RETALIATION

1. The Board 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 the building administrator or program supervisor, even if some elements of the related incident took
2. The student’s parents/guardians or any other person with knowledge of conduct that may violate
this policy is encouraged to immediately report the matter to the building administrator or program
supervisor.

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

4. If the building administrator or program supervisor is the subject of a complaint, the student, third
party or a reporting employee shall report the incident directly to the Title IX Coordinator
(Students).

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

6. The building administrator or program supervisor shall promptly notify the Title IX Coordinator
(Students) of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX
Coordinator (Students) 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 (Students) shall consider the complainant’s wishes with respect to supportive
measures.

7. The Title IX Coordinator(Students) shall conduct an assessment to determine whether the reported
circumstances are most appropriately addressed through the Discrimination Complaint Procedures
prescribed, 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 Review
Process for Formal Complaints, or other Board policies.

C. DISCIPLINARY PROCEDURES WHEN REPORTS ALLEGE TITLE IX SEXUAL
HARASSMENT

1. When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until
the completion of the review process for formal complaints. The Intermediate Unit shall presume
that the respondent is not responsible for the alleged conduct until a determination has been made
at the completion of the review process for formal complaints.
2. When an emergency removal 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.

3. When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX review 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.

D. CONFIDENTIALITY

1. 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, CLIU Procedures and the Intermediate Unit's legal and investigative obligations.

E. RETALIATION

1. The Board prohibits retaliation by the Intermediate Unit or any other person against any person for:
   a. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
   b. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.

2. The Intermediate Unit, 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 (Students) immediately if they believe retaliation has occurred.

F. DEFINITIONS

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

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

1. 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.

2. 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:
   a. Sufficiently severe, persistent or pervasive; and
   b. 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.

H. DEFINITIONS RELATED TO TITLE IX SEXUAL HARASSMENT

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

2. 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.

   a. 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:
      i. Counseling.
      ii. Extensions of deadlines or other course-related adjustments.
iii. Modifications of work or class schedules.
iv. Campus escort services.
v. Mutual restrictions on contact between the parties.
vi. Changes in work or housing locations.
vii. Leaves of absence.
viii. Increased security.
ix. Monitoring of certain areas of the campus.
x. Assistance from domestic violence or rape crisis programs.
xi. Assistance from community health resources including counseling resources.

b. Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student’s behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations or Board policy.

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

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

b. 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 Intermediate Unit education program or activity.

c. Sexual assault, dating violence, domestic violence or stalking.

i. *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.

ii. *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.

iii. 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.

iv. 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:

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

d. Such conduct must have taken place during an Intermediate Unit 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
Intermediate Unit exercises substantial control over both the respondent and the context in
which the harassment occurs. Title IX applies to all of an Intermediate Unit’s education
programs or activities, whether such programs or activities occur on-campus or off-campus.

1. DELEGATION OF RESPONSIBILITY

1. In order to maintain a program of nondiscrimination practices that is in compliance with applicable
laws and regulations, the Board designates the Director of Special Programs and Services to fulfill
the roles of Compliance Officer (Students) and Title IX Coordinator (Students).

2. The Compliance Officer (Students) and Title IX Coordinator (Students) 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 Intermediate
Unit’s nondiscrimination procedures in the following areas, as appropriate:

a. 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; Intermediate Unit designed performance
evaluations; review of planned employee demotions, non-renewal of contracts, and proposed
employee disciplinary actions up to and including termination.

b. Training - Provide training for supervisors and staff to prevent, identify and alleviate problems
of employment discrimination.

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

d. Reports/Formal Complaints - Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

J. TITLE IX SEXUAL HARASSMENT TRAINING REQUIREMENTS

1. The Compliance Officer (Students) and Title IX Coordinator (Students), investigator(s) (Students), decision-maker(s) (Students), 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:

a. Definition of sexual harassment.

b. Scope of the Intermediate Unit’s education program or activity, as it pertains to what is subject to Title IX regulations.

c. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.

d. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

e. Use of relevant technology.

f. Issues of relevance including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant.

g. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.

h. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

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

j. All training materials shall be posted on the Intermediate Unit’s website.
K. DISCIPLINARY CONSEQUENCES

1. 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:
   a. Loss of school privileges.
   b. Permanent transfer to another school building, classroom or school bus.
   c. Exclusion from school-sponsored activities.
   d. Detention.
   e. Suspension.
   f. Expulsion.
   g. Referral to law enforcement officials.

L. REPORTS OF DISCRIMINATION

1. Any reports of discrimination that are reviewed by the Title IX Coordinator (Students) 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 Intermediate Unit’s Complaint Procedures established by the Title IX Coordinator (Students).

M. REPORTS OF TITLE IX SEXUAL HARASSMENT

1. Any reports deemed by the Title IX Coordinator (Students) to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Review Process established by the Title IX Coordinator (Students).