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**NON-DISCRIMINATION/TITLE IX SEXUAL HARASSMENT  
AFFECTING EMPLOYMENT PRACTICES  
BOARD ADOPTED NOVEMBER 16, 2020**

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**102 NON-DISCRIMINATION/TITLE IX SEXUAL HARASSMENT AFFECTING  
EMPLOYMENT PRACTICES**

**A. AUTHORITY**

1. The Board declares it to be the policy of this Intermediate Unit to provide to all persons equal access to all categories of employment in this Intermediate Unit, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, marital status, genetic information, pregnancy or handicap/disability. The Intermediate Unit shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.
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 (Employment), to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.
3. The Board directs that this Board policy and administrative procedures established by the Title IX Coordinator(Employment) be issued to employees annually and be posted to the Intermediate Unit's website.

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

1. The Board encourages employees and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the building administrator or program supervisor. 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.
2. If the building administrator or program supervisor 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 (Employment).
3. The complainant or the individual making the report may use the Discrimination/Sexual Harassment/Retaliation Report Form made available on the Intermediate Unit's website 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.
4. The building administrator or program supervisor shall promptly notify the Title IX Coordinator (Employment) of all reports of discrimination, Title IX sexual harassment or retaliation. The Title

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

41 5. The Title IX Coordinator (Employment) shall conduct an assessment to determine whether the  
42 reported circumstances are most appropriately addressed through the Discrimination Complaint  
43 Procedures established by the Title IX Coordinator (Employment), or if the reported  
44 circumstances meet the definition of Title IX sexual harassment and are most appropriately  
45 addressed through the Title IX Sexual Harassment Procedures and Review Process established by  
46 the Title IX Coordinator (Employment) or other Board policies.

47

48 **C. DISCIPLINARY PROCEDURES WHEN REPORTS ALLEGE TITLE IX SEXUAL**  
49 **HARASSMENT**

50 1. When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until  
51 the completion of the review process established by the Title IX Coordinator (Employment). The  
52 Intermediate Unit shall presume that the respondent is not responsible for the alleged conduct until  
53 a determination has been made at the completion of the review process for formal complaints.

54

55 **D. ADMINISTRATIVE LEAVE**

56 1. The CLIU reserves the right to place an employee on paid or unpaid administrative leave based on  
57 the circumstances of each individual situation.

58

59 **E. CONFIDENTIALITY**

60 1. Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation  
61 related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be  
62 handled in accordance with applicable law, regulations, this policy, CLIU Procedures and the  
63 Intermediate Unit's legal and investigative obligations.

64

65 **F. RETALIATION**

66 1. The Board prohibits retaliation by the Intermediate Unit or any other person against any person  
67 for:

68 a. Reporting or making a formal complaint of any form of discrimination or retaliation,  
69 including Title IX sexual harassment.

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- 70 b. Testifying, assisting, participating or refusing to participate in a related investigation, process  
71 or other proceeding or hearing.
- 72 2. The Intermediate Unit, its employees and others are prohibited from intimidating, threatening,  
73 coercing, or discriminating against anyone for actions described above. Individuals are encouraged  
74 to contact the Title IX Coordinator (Employment) immediately if they believe retaliation has  
75 occurred.

76  
77 **G. DEFINITIONS**

- 78 1. Complainant shall mean an individual who is alleged to be the victim.  
79 2. Respondent shall mean an individual alleged to be the perpetrator of the discriminatory conduct.

80  
81 **H. DISCRIMINATION**

- 82 1. Discrimination shall mean to treat individuals differently, or to harass or victimize based on a  
83 protected classification including race, color, age, creed, religion, sex, sexual orientation, genetic  
84 information, ancestry, national origin, marital status, pregnancy, or handicap/disability.
- 85 2. Harassment is a form of discrimination based on the protected classifications listed in this policy  
86 consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts  
87 including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-  
88 downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that  
89 may be harmful or humiliating or interfere with a person's school or school-related work  
90 performance, including when:
- 91 a. Submission to such conduct is made explicitly or implicitly a term or condition of an  
92 employee's status; or
- 93 b. Submission to or rejection of such conduct is used as the basis for employment-related  
94 decisions affecting an employee; or
- 95 c. Such conduct is sufficiently severe, persistent or pervasive that a reasonable person in the  
96 complainant's position would find that it unreasonably interferes with the complainant's  
97 performance at work or otherwise creates an intimidating, hostile, or offensive working  
98 environment such that it alters the complainant's working conditions.

99  
100 **I. DEFINITIONS RELATED TO TITLE IX SEXUAL HARASSMENT**

- 101 1. Formal complaint shall mean a document filed by a complainant or signed by the Title IX  
102 Coordinator (Employment) alleging Title IX sexual harassment and requesting that the  
103 Intermediate Unit investigate the allegation under the review process for formal complaints. The

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- 104 authority for the Title IX Coordinator (Employment) to sign a formal complaint does not make  
105 the Title IX Coordinator (Employment) a party in the grievance process for formal complaints.  
106 The phrase “document filed by a complainant” refers to a document or electronic submission that  
107 contains the complainant’s physical or digital signature, or otherwise indicates that the  
108 complainant is the person filing the formal complaint.
- 109 2. Supportive measures shall mean nondisciplinary, nonpunitive individualized services offered as  
110 appropriate, as reasonably available, and without fee or charge to the complainant or the  
111 respondent before or after the filing of a formal complaint or where no formal complaint has been  
112 filed.
- 113 a. Counseling or Employee Assistance Program.
- 114 b. Modifications of work schedules.
- 115 c. Mutual restrictions on contact between the parties.
- 116 d. Changes in work locations.
- 117 e. Leaves of absence.
- 118 f. Increased security.
- 119 g. Assistance from domestic violence or rape crisis programs.
- 120 h. Assistance from community health resources including counseling resources.
- 121 3. Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the  
122 following:
- 123 a. An Intermediate Unit employee conditioning the provision of an aid, benefit, or Intermediate  
124 Unit service on an individual’s participation in unwelcome sexual conduct, commonly  
125 referred to as quid pro quo sexual harassment.
- 126 b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and  
127 objectively offensive that it effectively denies a person equal access to an Intermediate Unit  
128 education program or activity.
- 129 c. Sexual assault, dating violence, domestic violence or stalking.
- 130 i. Dating violence means violence committed by a person who is or has been in a social  
131 relationship of a romantic or intimate nature with the victim and where the existence of  
132 such a relationship is determined by the following factors:
- 133 – Length of relationship.
- 134 – Type of relationship.
- 135 – Frequency of interaction between the persons involved in the relationship.

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- 136 ii. Domestic violence includes felony or misdemeanor crimes of violence committed by a  
137 current or former spouse or intimate partner of the victim, by a person with whom the  
138 victim shares a child in common, by a person who is cohabitating with or has cohabitated  
139 with the victim as a spouse or intimate partner, by a person similarly situated to a spouse  
140 of the victim under the domestic or family violence laws of the jurisdiction receiving  
141 federal funding, or by any other person against an adult or youth victim who is protected  
142 from that person's acts under the domestic or family violence laws of the jurisdiction.
- 143 iii. Sexual assault means a sexual offense under state or federal law that is classified as a  
144 forcible or nonforcible sex offense under the uniform crime reporting system of the  
145 Federal Bureau of Investigation.
- 146 iv. Stalking, under Title IX means stalking on the basis of sex, for example when the stalker  
147 desires to date a victim. Stalking means to engage in a course of conduct directed at a  
148 specific person that would cause a reasonable person to either:
- 149 – Fear for their safety or the safety of others.  
150 – Suffer substantial emotional distress.
- 151 d. Such conduct must have taken place during an Intermediate Unit education program or  
152 activity and against a person in the United States to qualify as sexual harassment under Title  
153 IX. An education program or activity includes the locations, events or circumstances over  
154 which the Intermediate Unit exercises substantial control over both the respondent and the  
155 context in which the harassment occurs. Title IX applies to all of an Intermediate Unit's  
156 education programs or activities, whether such programs or activities occur on-campus or off-  
157 campus.

158  
159 **J. DELEGATION OF RESPONSIBILITY**

- 160 1. In order to maintain a program of nondiscrimination practices that is in compliance with  
161 applicable laws and regulations, the Board designates a Human Resources Manager to fulfill the  
162 roles of Compliance Officer (Employment) and Title IX Coordinator (Employment).
- 163 2. The Compliance Officer (Employment) and Title IX Coordinator (Employment) shall fulfill  
164 designated responsibilities to ensure adequate nondiscrimination procedures are in place, to  
165 recommend new procedures or modifications to procedures and to monitor the implementation of  
166 the Intermediate Unit's nondiscrimination procedures in the following areas, as appropriate:
- 167 a. Review - Review of personnel practices and actions for discriminatory bias and compliance  
168 with laws against discrimination to include monitoring and recommending corrective  
169 measures when appropriate to written position qualifications, job descriptions and essential  
170 job functions; recruitment materials and practices; procedures for screening applicants;  
171 application and interviewing practices for hiring and promotions; Intermediate Unit designed

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- 172 performance evaluations; review of planned employee demotions, non-renewal of contracts,  
173 and proposed employee disciplinary actions up to and including termination.
- 174 b. Training - Provide training for supervisors and staff to prevent, identify and alleviate  
175 problems of employment discrimination.
- 176 c. Resources - Maintain and provide information to staff on resources available to alleged  
177 victims in addition to the school complaint procedure or Title IX procedures, such as making  
178 reports to the police, available supportive measures such as assistance from domestic violence  
179 or rape crisis programs, and community health resources including counseling resources.
- 180 d. Reports/Formal Complaints - Monitor and provide technical assistance to individuals  
181 involved in managing informal reports and formal complaints.

182  
183 **K. GUIDELINES**

- 184 1. Title IX Sexual Harassment Training Requirements
- 185 a. The Compliance Officer (Employment) and Title IX Coordinator (Employment),  
186 investigator(s) (Employment), decision-maker(s) (Employment), or any individual designated  
187 to facilitate an informal resolution process related to Title IX sexual harassment shall receive  
188 the following training, as required or appropriate to their specific role:
- 189 i. Definition of sexual harassment.
- 190 ii. Scope of the Intermediate Unit's education program or activity, as it pertains to what is  
191 subject to Title IX regulations.
- 192 iii. How to conduct an investigation and grievance process for formal complaints, including  
193 examination of evidence, drafting written determinations, handling appeals and informal  
194 resolution processes, as applicable.
- 195 iv. How to serve impartially, including by avoiding prejudgment of the facts at issue,  
196 conflicts of interest and bias.
- 197 v. Use of relevant technology.
- 198 vi. Issues of relevance including when questions and evidence about the complainant's  
199 sexual predisposition or prior sexual behavior are not relevant.
- 200 vii. Issues of relevance, weight of evidence and application of standard of proof and drafting  
201 investigative reports that fairly summarize relevant evidence.
- 202 viii. How to address complaints when the alleged conduct does not qualify as Title IX sexual  
203 harassment but could be addressed under another complaint process or Board policy.

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- 204           b. All training materials shall promote impartial investigations and adjudications of formal  
205           complaints of Title IX sexual harassment without relying on sex stereotypes.
- 206           c. All training materials shall be posted on the Intermediate Unit’s website.
- 207           i. Disciplinary Consequences
- 208           d. An employee who violates this policy shall be subject to appropriate disciplinary action  
209           consistent with the applicable Board policy, collective bargaining agreement and individual  
210           contract, up to and including dismissal and/or referral to law enforcement officials.
- 211           i. Reports of Discrimination
- 212           ii. Any reports of discrimination that are reviewed by the Title IX Coordinator  
213           (Employment) and do not meet the definition of Title IX sexual harassment but are based  
214           on race, color, age, creed, religion, sex, sexual orientation, ancestry, genetic information,  
215           national origin, marital status, pregnancy or handicap/disability shall follow the  
216           Intermediate Unit’s Complaint Procedures established by the Title IX Coordinator  
217           (Employment).
- 218           iii. Reports of Title IX Sexual Harassment
- 219           e. Any reports deemed by the Title IX Coordinator (Employment) to meet the definition of  
220           sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and  
221           Review Process established by the Title IX Coordinator (Employment).