

SOUTHERN LEHIGH SCHOOL DISTRICT

SECTION: PROGRAMS

TITLE: NON-DISCRIMINATION ON THE
BASIS OF SEX

ADOPTED: August 24, 2020

REVISED:

<p>1. Purpose</p>	<p>Southern Lehigh School District is an educational entity that believes in ensuring a safe, nurturing, healthy and non-discriminatory learning and teaching environment for all members of the school community. The Board also believes in ensuring the opportunity for all members of the school community to reach their full potential through access and participation in all District educational activities and programs.</p>
<p>2. Statement of Non Discrimination</p>	<p>Southern Lehigh School District does not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, disability, ethnicity or age in its education programs and activities. The protection against discrimination extends to employment.</p>
<p>3. Description</p>	<p>For the purposes of this policy, the terms below have the following definitions:</p> <p><i>Complainant</i> is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.</p> <p><i>Decision-Maker</i> is an individual or panel of people assigned by the Title IX Coordinator to conduct a fair and impartial review of all the facts and evidence in making a determination on the responsibility or non-responsibility of a respondent on a complaint of sexual harassment or in reviewing an outcome on appeal. A decision-maker or decision-making panel must be unbiased and trained on the policies and procedures under Title IX that are applicable to serving as an adjudicator.</p> <p><i>Delays or Extensions:</i> The overall time frame to conclude a grievance process must be “reasonably prompt”. A school can have good cause for any short-term delays or extensions, with written notice to the parties and an explanation for the delay or extension. Any delay or extension must be temporary or limited. Examples of good cause delays may include but are not limited to considerations such as concurrent law enforcement activity, the need for language assistance or accommodation of disabilities.</p> <p><i>Formal complaint</i> is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. At the time of filing a formal</p>

complaint, a complainant must be participating in or attempting to participate (i.e. seeking admission or acceptance) in the education program or activity of the school district. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed in this policy.

Informal resolution is an option to resolve a formal complaint in mediation or in a restorative justice manner. Informal resolution is an option available to the parties only if a formal complaint is filed. Once a formal complaint is received, at any time prior to reaching a determination regarding responsibility, the school may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The Complainant and Respondent must individually agree in writing to participate in the informal resolution process. The District will provide to both parties written notice disclosing: the allegations, the requirements of the informal resolution and that either party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process. The informal resolution process is not available and cannot be offered to resolve reported incidents of an employee sexually harassing a student.

Informal Resolution Facilitator is the individual assigned by the Title IX Coordinator to manage the Informal Resolution process. The informal resolution facilitator must be fair, impartial and trained in Title IX policy and procedures, specifically those dealing with mediation and restorative justice best practices.

Investigator is the person(s) assigned by the Title IX Coordinator to conduct a prompt fair and impartial investigation into the formal complaint. The Investigator must be unbiased and trained in Title IX policy and procedures.

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

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- (1) *Quid Pro Quo* - An employee of the school conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct;
- (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 the school's education program or activity; or
- (3) *Sexual Assault* is defined as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- (4) *Dating violence* is violence committed by a person—
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined

~~based on a consideration of the following factors:~~

- (i) The length of the relationship,
 - (ii) The type of relationship, and
 - (iii) The frequency of interaction between the persons involved in the relationship.
- (5) *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 grant monies, 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.
- (6) *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Standard of Proof: Southern Lehigh School District will apply a preponderance of the evidence standard of proof to all sexual harassment allegations involving students and employees, including faculty.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant regardless of whether a formal complaint has been filed or to the respondent after the filing of a formal complaint. Such measures are designed to restore or preserve equal access to the school's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school's educational environment, or deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the school, and other similar measures. The school must keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Emergency removal. Schools may remove a respondent from the school's education program or activity on an emergency basis, provided that the school undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the

<p>4. Authority</p> <p>5. Guidelines</p>	<p>Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.</p> <p><i>Administrative leave.</i> A school can place a non-student employee respondent on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.</p> <p>Title IX states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal Financial Assistance.”</p> <p>In accordance with Title IX, the Board prohibits sexual harassment and discrimination on the basis of sex. Violations of this policy may result in disciplinary action in accordance with the Code of Student Conduct, Board policy, and applicable federal, state, and local law and regulations.</p> <p><u>Title IX Coordinator</u></p> <p>The Title IX Coordinator is responsible for ensuring the prompt, equitable and supportive response to all reports received under this policy. Specifically, the Title IX Coordinator’s responsibilities includes, but are not limited to:</p> <ol style="list-style-type: none">1. Monitoring the school district’s compliance with Title IX, which includes explaining and providing supportive measures (to one or both parties);2. Providing ongoing education and training on Title IX;3. Overseeing, managing and directing the response to a reported complaint and, if applicable, investigation into any complaint that is covered under Title IX; and4. Taking appropriate action to eliminate the harassing behavior, prevent its recurrence, and remedy its effect. <p>The school district may also designate a Deputy Title IX Coordinator (s) who may assist the Title IX Coordinator in the discharge of these responsibilities.</p> <p>Questions regarding Title IX or the application of this policy can be directed to the District’s Title IX Coordinator. The contact information is as follows:</p> <p>Title IX Coordinator 5775 Main Street, Center Valley, Pennsylvania 18034 Telephone: 610-282-3121 Email address: TitleIX@sbsd.org</p>
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Reporting

Any report of sex based discrimination or harassment will be taken seriously, addressed promptly and with sensitivity.

A student may report an incident of sexual discrimination or harassment verbally or in writing to any District employee. All reports shall be *immediately* directed to the Title IX Coordinator. All non-students can report incidents of sex-based harassment to the Title IX Coordinator. Reports can be made at any time by phone, email, or by completing and submitting the Sexual Harassment Incident Report Form, Title IX (attachment).

Additionally, if the person who received a complaint of sexual harassment is a mandated reporter and has reasonable cause to suspect that a student is the victim of child abuse, the incident should immediately be reported to the appropriate agency as directed by state law. This mandated reporting obligation is *in addition* to a report being made to the Title IX Coordinator.

Retaliation

This policy prohibits retaliation against an individual who files a complaint in response to conduct that s/he reasonably believes violates this policy, or against an individual who participates or cooperates with an investigation, as provided by both Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964. Individuals who experience retaliation should report it to the Title IX Coordinator (or Deputy Coordinator or other designee). Such retaliation, if founded, will result in the same disciplinary action applicable to one who engages in harassment. Reporting harassment will not affect the reporting individual's status with respect to either an employee's future employment or work assignments or a student's future academic opportunity, progress or record.

Confidentiality

Confidentiality will be maintained to the extent possible to effectively respond to a reported incident of sexual harassment. If a request for confidentiality is received, the school will evaluate any confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. A request for confidentiality may limit the school's ability to respond. All efforts shall be made to maintain the confidentiality of any person initiating or involved in a reported incident of sex-based harassment to protect the privacy of all parties, consistent with the District's responsibility to promptly address and investigate such complaints based on applicable state and federal laws.

Based on the content of a report, the District will report to law enforcement and ChildLine all incidents that are required by law, at www.keepkidssafe.pa.gov or by calling ChildLine 1-800-932-0313.

	<p><u>Scope of Title IX</u></p> <p>Title IX covers those reported incidents of sexual harassment that take place in the United States and in the context of an education program or activity which includes locations, event or circumstances over which the school/school exercised substantial control over both the Respondent and the context in which the sexual harassment occurs.</p> <p>If a reported incident does not fall under the scope of Title IX, the reported incident will be reviewed and appropriate steps taken under other applicable District policies, such as bullying and unlawful harassment (Board policies 103 Non-Discrimination in School & Classroom Practices, 104 Non-Discrimination in Employment/Contract Practices, 248/348/448/548 Unlawful Harassment, and 249 Bullying/Cyber bullying).</p> <p>This Title IX policy runs concurrently with and parallel to all applicable laws, regulations and existing district policies and procedures to the extent allowable under the law.</p> <p><u>Resources</u></p> <p>The District is committed to providing an educational environment that promotes safety and wellness for the entire school community. Any student or employee needing assistance is encouraged to seek support through available school-based and community resources and/or for emergency assistance. Additional school based supports are available by contacting</p> <ul style="list-style-type: none"> Southern Lehigh School District Guidance Counselors Southern Lehigh School District School Psychologists Employee Assistance Program. Information may be found at www.slsd.org Human Resources, Employee Assistance (EAP) Upper Saucon Township Police Department, 610-282-1171 Coopersburg Police Department, 610-282-1444 Crime Victims Council of the Lehigh Valley, 610-437-6610 Lehigh County Victim/Witness Unit, 610-437-6611 <p>6. Delegation of Responsibility</p> <p>7. Legal References</p> <p>The Board directs the Superintendent or designee to develop administrative regulations to implement this policy. The Superintendent shall publish this policy to students, employees, and the community through posting on the school district's website, newsletters, and other appropriate means.</p> <p>Title IX of the Educational Amendments of 1972, 20 U.S.C. §§1681-1688; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a); EEOC Policy Guidelines on Sexual Harassment, 29 C.F.R. §1604.11; PA Human Relations Act, 43 Pa. Cons. Stat. Ann. § 951-960 (Purdon 1964 & Supp. 1991);</p>
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Pennsylvania [Child Abuse](#) Reporting §6311,
<https://www.compass.state.pa.us/CWIS/Public/ReferralsLearnMore>;
29 C.F.R. §1604.11
20 U.S.C. 1092(f)(6)(A)(v)
34 U.S.C. 12291(a)(10)
34 U.S.C. 12291(a)(8)
34 U.S.C. 12291(a)(30)
Human Relations Commission Guidelines on Sexual Harassment, 11 Pa. Bulletin
No. 5 (Jan. 31, 1981).
SLSD Board Policy 103 Non-Discrimination in School & Classroom Practices
SLSD Board Policy 104 Non-Discrimination in Employment/Contract Practices
SLSD Board Policy 248/348/448/548 Unlawful Harassment
SLSD Board Policy 249 Bullying/Cyber bullying



SOUTHERN LEHIGH SCHOOL DISTRICT
SEXUAL HARASSMENT INCIDENT REPORT FORM
TITLE IX

This report is being made based on my belief that an incident of sexual discrimination or harassment has occurred. I understand that retaliation for making a report is prohibited, and that all instances of retaliation should be reported to the Title IX Coordinator. I certify that the information I have provided below is complete to the best of my knowledge.

Discrimination in any form is strictly prohibited by the School District. All reports of discrimination/harassment will be promptly and equitably addressed.

- Title IX of the Education Amendments of 1972 (“Title IX”) specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities and extends to employment.
- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin.
- The Age Discrimination Act of 1975 prohibits discrimination based on age.
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination against persons with disabilities.

It is the responsibility of the District to ensure that all students and members of the school community have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or sexual misconduct is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate supportive resources. Complaints alleging discrimination or harassment will be taken seriously and handled in a prompt and equitable manner.

Name of Person Filing Report: _____

Address: _____

Phone and Email: _____

School Building: _____

What is your relationship to the School (circle one): STUDENT PARENT EMPLOYEE OTHER: _____

Name of the person who is the **alleged victim**: _____

| What is their relationship to the school (student or employee, grade or job): _____

Name of the person who is the **alleged perpetrator**: _____

| What is their relationship to the school (student or employee, grade or job): _____

Date of Alleged Incident(s): _____

Time and place where the alleged incident occurred, if known: _____

Describe the incident with as much detail as possible (what was seen, heard, observed, and who was present and include any other relevant details to explain the alleged sexual harassment. Attach additional pages if necessary.

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List any known witnesses to the incident: _____

 If you are the victim and you wish to remain anonymous, please check here.

Please understand that if you wish to remain anonymous, it may limit or prohibit the school from taking necessary or requested steps to address the basis of the complaint and the complaint may be dismissed.

You may deliver or email this complaint to: _____

- The Principal or Assistant Principal
- The Guidance Counselor or School Psychologist
- The Title IX Coordinator at TitleIX@sbsd.org or

Your Signature _____ Date _____

NOTE:

- If you are an employee/faculty member of the school or otherwise identified as a **MANDATED REPORTED** of child (pursuant to Chapter 23 PA.C.S. §6311), please be reminded that the nature of the report may require you to make a report to ChildLine 1-800-932-0313.
- School District Administrator, Compliance Officer and/or Title IX Coordinator, please be advised that the nature of the report may require you to notify law enforcement.

Received By _____ Date _____

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