

*Equal Opportunity and Nondiscrimination of Students in School and Classroom Practices*

Definitions

See glossary at end of this regulation.

In order to maintain an environment where students are provided an equal opportunity, free from discrimination, that is in compliance with applicable laws and regulations, the following procedures shall be followed:

The Title IX Coordinator is responsible to monitor the implementation of equal opportunity and nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks and supplemental materials for illegal discriminatory bias.
2. Training - Provision of training for students and staff to identify and alleviate problems of discrimination.
3. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure.
4. Student Access - Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. District Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.
6. Student Evaluation - Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.
7. Complaints - Monitor and provide assistance to building principals or designees in processing complaints.

If a complaint received pursuant to this Administrative Regulation and the accompanying Board Policy is received by an individual other than the Title IX Coordinator, that individual shall promptly notify the Title IX Coordinator. The Title IX Coordinator, in consultation with the Superintendent, shall assess who should complete the subsequent investigation and then promptly assign the investigation to that individual.

The District's Title IX Coordinator is the Director of Equity and Public Programs. Contact information for the Director of Equity and Public Programs is outlined below.

**Position:** Director of Equity and Public Programs

**Address:** Tredyffrin/Easttown School District Administration Offices, 940 West Valley Road, Suite 1700, Wayne, PA 19087

**Email:** torreso@tesd.net

**Phone:** 610-240-1909

Reports of violations of this Administrative Regulation and the accompanying Board Policy (except for allegation of Title IX sexual harassment) will be handled in accordance with the procedures indicated below.

Claims of Title IX sexual harassment shall be handled in accordance with the process and procedures available at <https://www.tesd.net/domain/1894>, specifically the document titled "Grievance Process with Exhibits."

### **General Complaint Resolution Procedures**

The individual assigned to investigate the complaint shall perform the following tasks:

1. Inform the complainant about this Administrative Regulation and the accompanying Board Policy, including the right to an investigation of both oral and written complaints of discrimination.
2. Obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform parents/guardians and students that they may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Provide relevant information on resources available in addition to the school complaint procedure.
4. After consideration of the allegations, and in consultation with the Title IX Coordinator and/or other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others, as necessary, from violation of this Administrative Regulation and the accompanying Board Policy during the course of the investigation.

### Complaint Procedure – Student/Third Party

#### **Step 1 – Reporting**

A student or third party who believes they have been subject to conduct that constitutes a violation of this Administrative Regulation or the accompanying Board Policy is encouraged to immediately report the incident as outlined in the accompanying Board Policy. Any person with knowledge of conduct that may violate this Administrative Regulation or the accompanying Board Policy is similarly encouraged to immediately report the matter as outlined in the accompanying Board Policy.

A school employee who is notified that a student has been subject to conduct that constitutes a violation of this Administrative Regulation or the accompanying Board Policy shall immediately report the incident pursuant to the procedures outlined in the accompanying Board Policy.

## **Step 2 – Investigation**

Where an attorney is not used to conduct an investigation into a discrimination complaint, only individuals who have received basic training or informed guidance on the applicable law, this Administrative Regulation and the accompanying Board Policy, and how to conduct a proper investigation shall be authorized to conduct the investigation.

The investigator shall work with the Title IX Coordinator or Superintendent's designee to assess the anticipated scope of the investigation, who might need to be interviewed, and what records may be relevant.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to present witnesses and other evidence during the course of the investigation.

The investigation may consist of individual interviews with the complainant, the accused, 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 Title IX Coordinator or Superintendent's designee, 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 short delay in fulfilling the District'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.

## **Step 3 – Investigative Report**

The investigator shall prepare and submit a written report to the Title IX Coordinator or Superintendent's designee within twenty (20) business 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 Title IX Coordinator or Superintendent's designee 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 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 this Administrative Regulation or the accompanying Board Policy, and of any other violations of law or Board Policy which may warrant further District action, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition within a reasonable time of the submission of the written report. The accused shall not be notified of the individual remedies offered or provided to the complainant.

#### **Step 4 – District Action**

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this Administrative Regulation or the accompanying Board Policy, the District shall take prompt and appropriate corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The District 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 school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Title IX Coordinator or Superintendent's designee shall follow up as necessary to assess the effectiveness of the corrective action.

If an investigation results in a finding that a different Board Policy was violated separately from or in addition to violations of this Administrative Regulation and the accompanying Board Policy, 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.

Disciplinary actions shall be consistent with the Student Code of Conduct, Board Policy, Administrative Regulations, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding or the corrective action recommended in the investigative report, they may submit a written appeal to the Title IX Coordinator or Superintendent's designee within fifteen (15) business days. If the Title IX Coordinator or Superintendent's designee investigated the complaint, such appeal shall be made to the Superintendent.
2. 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.
3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) business days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

Additional Guidelines/Procedures

Students have the right to equitable access to facilities, activities, programs, and instruction in their school. Schools may maintain separate restroom and locker room facilities for male and female students. The District will handle requests regarding facilities access on a case-by-case basis in accordance with applicable law. Participation in club sports or interscholastic athletics shall be handled in a manner consistent with Policy 6146(Student Athletics). Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender specific rule, policy, or practice, students must be permitted to participate in such activities or conform to such rule, policy or practice consistent with their gender identity asserted at school. Students shall not be required to take and/or be denied enrollment in a course on the basis of their gender identity in any educational and academic program.

**Cross References:**

Policy & Regulation 5420, *Harassment of Students by Non-Students*  
 Policy & Regulation 5401, *Student Discipline*  
 Policy & Regulation 5225, *Student Records*  
 Policy & Regulation 5400, *Students' Freedom of Expression*  
 Policy & Regulation 5415, *Dress and Appearance*  
 Policy & Regulation 6146, *Student Athletics*  
 Policy & Regulation 6145, *Student Activities*

*Glossary of terms*

**Discriminatory harassment** means verbal, written, electronic, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or creates an intimidating, threatening or abusive educational environment; and/or
2. Has the purpose or effect of unreasonably interfering with a student's educational performance; and/or
3. Adversely affects a student's educational opportunities.

**Discriminatory harassment** includes, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, gender identity, gender expression or religion. Discriminatory harassment also includes sexual harassment, as defined below.

**Sexual harassment** is a specific form of discriminatory harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the classroom or the school environment.

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

- A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- 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 the District's education program or activity; or
- C. Sexual assault, dating violence, domestic violence, or stalking.

**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.

**Dating violence** means 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.
- iii. The 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 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.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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