**WARREN COUNTY SCHOOL DISTRICT SECTION 1000**

**1000 FOUNDATIONS AND BASIC COMMITMENTS**

1216 Nondiscrimination Policy Affecting Employees (Including Title IX Sex Discrimination and Other Non-Title IX Discrimination)

1. **Authority**

The Board declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, religious creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, genetic information, handicap/disability or pregnancy, childbirth or pregnancy-related medical conditions. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, as well as pregnancy, childbirth and pregnancy-related medical conditions, consistent with the requirements of federal and state laws and regulations.

The Board also declares it to be the policy of this district to comply with federal law and regulations under Title IX prohibiting sex discrimination, including sex-based harassment (i.e. “Title IX sex discrimination”). Inquiries regarding the application of Title IX to the district may be referred to the Title IX Coordinator, to the Office for Civil Rights of the U.S. Department of Education, or both.

1. **Definitions**

**General Definitions**

**“Complainant”** shall mean an employee, applicant for employment, or other non-student individual who is alleged to have been subject to conduct that could constitute discrimination and who was participating or attempting to participate in a district education program or activity at the time of the alleged discrimination. (Note: If the Complainant is a student, refer to Policy 1215, Nondiscrimination Policy Affecting Students.)

**“Report”** shall mean any oral or written notification (from any source) to a district employee of conduct that may reasonably constitute discrimination under this policy.

**“Respondent”** shall mean a person who is alleged to have violated the district’s prohibition on discrimination in accordance with applicable law and this policy.

**“Retaliation, including peer retaliation”** shall mean intimidation, threats, coercion or discrimination against any person by the district, a student, employee or other person authorized to provide a district aid, benefit or service, for the purpose of interfering with any right or privilege under applicable law or Board policy, or because the person has reported information, made a complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, including an informal resolution process or any other actions taken by the district in accordance with applicable law and this policy and procedures. This term shall not include the district requiring an employee or other individual providing a district aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.

**Definitions Related to Title IX**

**“Complaint”** shall mean an oral or written request to the district that objectively can be understood as a request to investigate and make a determination about alleged Title IX sex discrimination. If the conduct alleged could reasonably constitute sex-based harassment, a Complaint may be initiated by the Complainant or the Title IX Coordinator. If the conduct alleged could reasonably constitute Title IX sex discrimination *other than sex-based harassment*, a Complaint may be made by any employee or student or any other person who was participating or attempting to participate in the district’s education program or activity at the time of the alleged discrimination or the Title IX Coordinator.

**“Title IX sex discrimination”** includes discrimination on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. To constitute Title IX sex discrimination, the complained of conduct must have occurred under a district education program or activity and against a person in the United States. This includes, but is not limited to, conduct that is subject to the district’s disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs or activities of the district. The district is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct alleged to be contributing to the hostile environment is outside the district’s program or activity, or outside of the United States.

**“Sex-based harassment”** is a form of Title IX sex discrimination and means sexual harassment and other harassment on the basis of sex, including:

1. **“*Quid pro quo harassment”*** a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.
2. **“*Hostile environment harassment****”* unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:

a. The degree to which the conduct affected the complainant’s ability to access the district’s education program or activity;

b. The type, frequency and duration of the conduct;

c. The complainant’s and respondent’s ages, roles in the district education program or activity, previous interactions and other relevant factors;

d. The location and context in which the conduct occurred; and

e. Other sex-based harassment in the district’s education program or activity.

3.  ***“Dating Violence, Domestic Violence, Sexual Assault, 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:

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 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 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.

d. **“*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:

i. Fear for their safety or the safety of others.

ii. Suffer substantial emotional distress.

**“Pregnancy or related conditions,”** as defined under Title IX, shall mean:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;

2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, lactation; or

3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions.

**Supportive measures** - shall mean non disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent and without fee or charge to the complainant or the respondent, in order to:

1. Restore or preserve access to the district’s education program or activity, including measures designed to protect the safety of the individuals or the district’s educational environment; or

2. Provide support during the grievance procedures or during an informal resolution process.

**Definitions Related to Non-Title IX Discrimination**

**“Discrimination”** (other than Title IX sex discrimination) occurs when an individual is denied the benefit of, excluded from participation in, or is otherwise subjected to any discrimination in any district program or activity on the basis of one or more legally protected classification including race, color, age, religious creed, religion, sex, gender identity, sexual orientation, genetic information, ancestry, national origin, marital status, handicap/disability, pregnancy, childbirth, or pregnancy-related conditions, or based on an individual’s association with a person who has a protected classification.

**“Harassment”** is a form of discrimination based on the protected classifications listed in this policy, or association with an individual who has a protected classification, consisting of unwelcome conduct such as verbal abuse, graphic or written statements, physical assault, or other conduct that may be threatening, harmful, or humiliating or which may 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;
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 or affects a term, condition or privilege of employment.

**“Pregnancy, childbirth, and pregnancy-related medical conditions,”** as defined in federal law, refers to the pregnancy or childbirth of the specific employee and includes, but is not limited to, current pregnancy; past pregnancy or recovery; termination of pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment and the use of contraception); labor; childbirth; and lactation. Related medical conditions are medical conditions relating to the pregnancy, termination of pregnancy, childbirth or lactation of the specific employee.

**“Pregnancy”,** as defined under Pennsylvania law, shall include the use of assisted reproductive technology, the state of being in gestation, childbirth, breastfeeding, the postpartum period after childbirth and medical conditions related to pregnancy.

**“Religious creed”** includes all aspects of religious observance, practice, or belief. Religious beliefs as defined under Pennsylvania law include:

1. Moral or ethical beliefs as to what is right and wrong which are sincerely held-with the strength of traditional religious views.

2. The beliefs a complainant professes without regard to whether a religious group espouses these beliefs.

**“Race”** includes all of the following:

1. Ancestry, national origin or ethnic characteristics.

2. Interracial marriage or association.

3. Traits associated with race, which includes but is not limited to, hair texture and protective hairstyles, such as braids, locks and twists.

4. Hispanic ancestry, national origin or ethnic characteristics.

5. Persons of any other national origin or ancestry as specified by a complainant or in a complaint.

**“Sex”** as defined under Pennsylvania law includes:

1. Pregnancy.

2. Sex assigned at birth.

3. Gender, including a person’s gender identity or gender expression. Gender identity or expression may be demonstrated by consistent and uniform assertion of the gender identity or any other evidence that the gender identity is part of a person’s core identity.

4. Affectional or sexual orientation, including heterosexuality, homosexuality, bisexuality and asexuality.

5. Differences of sex development, variations of sex characteristics or other intersex characteristics.

**Delegation of Responsibility**

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates a Compliance Officer / Title IX Coordinator.

The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 6820 Market Street, Russell, PA 16345

Phone Number: 814-723-6900

If, upon receipt of a Complaint or Report of discrimination or retaliation, the Title IX Coordinator determines that the alleged conduct cannot constitute Title IX sex discrimination, the Title IX Coordinator shall determine whether to refer the Complaint or Report to the Compliance Officer (if separate), Human Resources Director, Superintendent, or other District administrator for further action as appropriate and/or required by law.

The Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures, to monitor and address barriers to reporting and to monitor the implementation of the district’s nondiscrimination procedures in the following areas, as appropriate:

1. **Review** - Review of personnel and hiring practices and actions for discriminatory bias and compliance with laws against discrimination and harassment, to include monitoring and promptly implementing corrective measures when appropriate. This may include, but is not limited to, changes 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; district designed performance evaluations; review of planned employee demotions, nonrenewal of contracts and proposed employee disciplinary actions up to and including termination; and provision of employee benefits and services.
2. **Training** - Provide training for supervisors and staff to prevent, identify and alleviate

conduct which may constitute discrimination or harassment.

1. **Resources** - Maintain and provide information to staff on resources available to complainants in addition to the school complaint procedure or Title IX procedures, such as making reports to law enforcement, and available supportive measures such as assistance from domestic violence or rape crisis programs, and community health resources, including counseling resources.
2. **Reports/Complaints** - Monitor and provide technical assistance to individuals involved in managing Reports and Complaints.

The Superintendent is hereby authorized to develop any administrative procedures which are either referenced in this Policy or otherwise deemed necessary by the Superintendent to implement this Policy.