

CARBON CAREER & TECHNICAL INSTITUTE

SECTION: PROGRAMS

TITLE: DISCRIMINATION BASED ON
SEX (Title IX) – STUDENTS
AND STAFF

ADOPTED: June 19, 2003

REVISED: April 20, 2006, November 21, 2024

<p>1. Purpose</p> <p>2. Scope</p> <p>3. Statement on Non Discrimination</p>	<p>103. DISCRIMINATION BASED ON SEX (Title IX) – STUDENTS AND STAFF</p> <p>The school does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by federal law and regulation under Title IX, and state law and regulation, including in admission and employment.</p> <p>Title IX prohibits sex discrimination and sex-based harassment in the school’s education program and activities in the United States and in conduct that is subject to the school’s disciplinary authority. The school is also obligated to address a sex-based hostile environment in a school education program or activity, even when some conduct is outside the school’s program or activity, or outside of the United States.</p> <p>If a reported incident does not fall under the scope of Title IX, the reported incident will be reviewed and appropriate steps will be taken under other applicable school policies and administrative guidelines.</p> <p>This Title IX policy runs concurrently with and parallel to all applicable laws, regulations and existing school policies and procedures to the extent allowable under the law.</p> <p>This policy applies to reports of discrimination on the basis of sex prohibited by Title IX when the alleged conduct occurred on or after August 1, 2024. Please refer to school Policy 103.3 (students) or 104.1 (staff) for policy and procedures relating to reports of discrimination on the basis of sex prohibited by Title IX when the alleged conduct occurred prior to August 1, 2024, or where otherwise required by law.</p> <p>The school does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including employment.</p> <p>Notice of non-discrimination shall be provided to students, parents/guardians, or other authorized legal representatives of all students; employees; applicants for employment; and all unions and professional organizations holding collective bargaining or professional agreements with the school; and shall be posted on the school’s website.</p>
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<p>4. Authority</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.” The Joint Operating Committee prohibits discrimination on the basis of sex in its education program, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity and sex-based harassment. Violations of this policy may result in disciplinary action in accordance with the Code of Student Conduct/Disciplinary Action Schedule, Joint Operating Committee policy and administrative guidelines, and applicable federal, state, and local law and regulations.</p>
<p>5. Definitions</p>	<p>For the purposes of this policy and accompanying administrative guidelines, the terms below have the following definitions:</p> <p>Complainant is (1) a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination in accordance with law or this policy; or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under law or this policy and who was participating or attempting to participate in the school’s education program or activity at the time of the alleged sex discrimination.</p> <p>Complaint is an oral or written request to the school that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination.</p> <p>Confidential employee means (1) a school employee whose communications are privileged or confidential under federal or state law. The employee’s confidential status is only with respect to information received while functioning within the scope of their duties to which privilege and confidentiality applies; or (2) an employee who has been designated by the school for the purpose of providing services to persons related to sex discrimination. The employee’s confidential status is only with respect to information received about sex discrimination in connection with providing those services.</p> <p>Decisionmaker is the person 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 or in reviewing an outcome on appeal. A decisionmaker 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>Emergency removal means removal of a respondent from the school’s education program or activity on an emergency basis, following the performance of an individualized safety and risk analysis, the determination that an imminent and serious threat to the health or safety of a complainant or any other person arising</p>

from the allegations of sex discrimination justifies removal, and provision to the respondent of notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Informal resolution is a voluntary, informal process to resolve complaints received by the school alleging conduct that may reasonably constitute sex discrimination. The informal resolution process is not available and cannot be offered to facilitate a resolution for any complaint where the allegation states that an employee engaged in sex-based harassment of a student, or if the process would conflict with federal, state or local law.

Informal resolution facilitator is the person 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 serving impartially, avoiding conflicts of interest and bias, and mediation techniques.

Impermissible evidence is evidence, regardless of relevance, that will not be accessed or considered, except by the school to determine whether one (1) of the exceptions listed below applies:

1. Evidence that is protected under a privilege recognized by federal or state law or regulation or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
2. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the school obtains that party's or witness's voluntary, written consent for use in the school's grievance procedures; and
3. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

	<p>Investigator is the person(s) assigned by the Title IX Coordinator to conduct a prompt, fair, and impartial investigation of the complaint. The investigator must be unbiased and trained in Title IX policy and procedures.</p> <p>Parental status is the status of a person who, with respect to another person who is under the age of eighteen (18) or older but incapable of self-care because of a physical or mental disability, is:</p> <ol style="list-style-type: none">1. A biological parent;2. An adoptive parent;3. A foster parent;4. A stepparent;5. A legal custodian or guardian;6. In loco parentis with respect to such person; or7. Actively seeking legal custody, guardianship, visitation, or adoption of such person. <p>Peer retaliation means retaliation by a student against another student.</p> <p>Pregnancy or related conditions as defined by federal law means (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.</p> <p>Relevant means related to the allegations of sex discrimination under investigation as part of the school’s grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged conduct occurred.</p> <p>Remedies are measures provided, as appropriate, to a complainant or any other person the school identifies as having had their equal access to the school’s education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the school’s education program or activity after the school determines that sex discrimination occurred.</p>
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Respondent is a person who is alleged to have violated the school’s prohibition on sex discrimination in accordance with applicable law and this policy.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the school, a student, or an employee or other person authorized by the school to provide an aid, benefit, or service under the school’s education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, applicable law or this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, in grievance procedures, and in any other actions taken by the school in response to allegations of sex-based discrimination. This term shall not include the school requiring an employee or other individual providing a school aid, benefit or service to participate or assist with an investigation, proceeding or hearing in accordance with applicable law and this policy.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including one or more of the following:

1. *Quid pro quo harassment* – An employee, agent, or other person authorized by the school to provide an aid, benefit, or service under the school’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’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 the school’s education program or activity (i.e., creates a hostile environment).
3. *Sexual assault* is defined as an offense under state or federal law that is 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

	<p>b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:</p> <ul style="list-style-type: none">i. The length of the relationship,ii. The type of relationship, andiii. The frequency of interaction between the persons involved in the relationship. <p>5. <i>Domestic violence</i> includes felony or misdemeanor crimes committed by a person who:</p> <ul style="list-style-type: none">a. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;b. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;c. Shares a child in common with the victim; ord. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction. <p>6. <i>Stalking</i> means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.</p> <p>Sex discrimination means discrimination on the basis of sex, which includes sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity and includes sex-based harassment.</p> <p>Standard of proof means the standard by which the decisionmaker determines whether the alleged conduct of the respondent occurred and constituted discrimination on the basis of sex. The decisionmaker shall apply the preponderance of the evidence standard.</p> <p>Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to either: (1) restore or preserve that party’s access to the school’s education program or activity, including measures designed to protect the safety of the individual or the school’s educational environment or (2) provide support during</p>
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<p>6. Guidelines</p>	<p>the grievance procedures.</p> <p>Supportive measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; modification of work or class schedules; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing or extracurricular or any other activity; and training and education programs related to sex-based harassment. 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.</p> <p><u>Title IX Coordinator</u></p> <p>The Title IX Coordinator is responsible for overseeing the school’s compliance with the requirements of Title IX, including the prompt, equitable, and supportive response to all reports and complaints received under this policy. Specifically, the Title IX Coordinator responsibility includes, but is not limited to:</p> <ol style="list-style-type: none">1. Monitoring the school’s compliance with Title IX, which includes explaining and providing supportive measures (to one (1) or both parties);2. Providing ongoing education and training on Title IX;3. Overseeing, managing and directing the response to a complaint and, if applicable, grievance procedures into any complaint that is covered under Title IX; and4. Taking appropriate action to eliminate sex discrimination, prevent its recurrence, and remedy its effect. <p>The Title IX Coordinator may designate a Deputy Title IX Coordinator(s) who may assist the Title IX Coordinator in the discharge of these responsibilities.</p> <p>Any questions regarding Title IX or the application of this policy can be directed to the Title IX Coordinator. The following person has been designated as the school’s Title IX Coordinator:</p> <p style="text-align: center;">Administrative Director Title IX Coordinator Address: 150 West 13th Street, Jim Thorpe, PA 18229 Email: dreinbold@carboncti.org Phone: 570-325-3682 ext. 1502</p>
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Questions and concerns may also be addressed to the Office for Civil Rights at:

Philadelphia Office
Office for Civil Rights
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 800-877-8339
Email: OCR.Philadelphia@ed.gov

Reporting

All reports of sex discrimination or harassment will be taken seriously and addressed promptly and with sensitivity.

Complainants; a person with parental status, or other authorized legal representative with a right to act on behalf of a complainant; and the Title IX Coordinator have the right to make a complaint of sex-based harassment under Title IX. In addition to these listed individuals, any student or employee, and any person other than a student or employee who was participating or attempting to participate in the school's education program or activity at the time of the alleged sex discrimination may also make a complaint of sex discrimination other than sex-based harassment.

A student may report an incident of sex discrimination or harassment orally or in writing to any school employee. All reports shall be directed immediately to the Title IX Coordinator. All non-students may report any incident of sex-based harassment to the Title IX Coordinator. Reports can be made at any time, including during nonbusiness hours. Complaints may be made in person, by telephone, email, or by completing and submitting the school's report form. Oral reports will be documented by the Title IX Coordinator or employee receiving the report using the school's report form.

All employees, except confidential employees, shall promptly notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.

In the event the Title IX Coordinator is the subject of the complaint, reports may be made directly to the Administrative Director or designee.

If the person who received a complaint 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.

The Title IX Coordinator may consolidate complaints against more than one (1) respondent, by more than one (1) complainant against one or more respondent, or by one (1) individual against another individual if the allegations arise out of the same facts or circumstances.

The Title IX Coordinator may independently initiate a complaint of sex discrimination after (1) making a fact-specific determination based on a variety of factors, such as the age and relationship of the parties, scope and severity of conduct, safety, risk, any request of complainant not to proceed and the availability of evidence; and (2) determining that the alleged conduct presents an imminent and serious threat or that the conduct prevents the school from ensuring equal access to education.

Retaliation

Retaliation, including peer retaliation, against an individual who files a complaint in response to conduct that the individual reasonably believes violates this policy, or against an individual who participates or cooperates with an investigation is prohibited. Anyone who experiences retaliation should report it to the Title IX Coordinator. A report of retaliation, including peer retaliation, will result in the initiation of the Title IX grievance procedures or informal resolution process described in the policy.

Such retaliation, if founded, will result in the same disciplinary action applicable to one who engages in sex discrimination or harassment. Reporting sex discrimination or 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 shall be handled in accordance with applicable law, regulations, Joint Operating Committee policy and administrative guidelines and the school's legal and investigative obligations to carry out the grievance procedures. The school will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of grievance procedures and informal resolution process, provided that the steps do not restrict the ability of the parties to obtain and present evidence, including speaking to witnesses, subject to the prohibition on retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

Nothing in this policy modifies school employees' obligation to report suspected child abuse to law enforcement and/or ChildLine.

Training

All school employees shall be trained related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX, and annually thereafter.

All training materials shall be retained for at least seven (7) years and must be made available for inspection upon request from a member of the public.

Disciplinary Consequences

When a report alleges sex-based discrimination or harassment, disciplinary sanctions may not be imposed until the completion of the grievance procedures. The school shall presume that the respondent is not responsible for the alleged conduct until a determination has been made at the completion of the grievance procedures.

A student whose conduct is determined to be in violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct/Disciplinary Action Schedule, which may include but is not limited to:

1. Loss of school privileges.
2. Permanent transfer to another school building, classroom or school bus.
3. Exclusion from school-sponsored events and extracurricular activities.
4. Detention.
5. Suspension.
6. Expulsion.
7. Referral to law enforcement officials.

An employee who violates this policy shall be subject to appropriate disciplinary action consistent with the applicable Joint Operating Committee policy and administrative guidelines, collective bargaining agreement and individual contract, up to and including dismissal and/or referral to law enforcement officials.

Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this school for sexual assault against another student enrolled in this school, the school shall comply with the disciplinary or placement requirements established by state law and Joint Operating Committee policy and administrative guidelines.

Reasonable Accommodations

Throughout the complaint procedures, the school will make reasonable accommodations for identified physical and intellectual impairments that constitute disabilities for all parties, and address barriers being experienced by disadvantaged students such as English learners, homeless students and other students experiencing educational instability, consistent with the requirements of federal and state laws and regulations and Joint Operating Committee policy.

Resources

The school is committed to providing an educational environment that promotes safety and wellness for the entire school community. Any student or employee is encouraged to seek the assistance of available school-based and community resources to provide support and/or emergency assistance.

Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination/harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

Delegation of Responsibility

The Administrative Director or designee may develop administrative guidelines to implement this policy. The Administrative Director or designee shall publish this policy to students, employees, and the community through posting on the school's website, newsletters, and other appropriate means.

Legal
22 PA Code 12.1
22 PA Code 12.4
22 PA Code 15.1 et seq
22 PA Code 4.4
24 P.S. 1301
24 P.S. 1310
24 P.S. 1318.1
24 P.S. 1601-C et seq

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	<p><u>24 P.S. 5004</u> <u>18 Pa. C.S.A. 2709</u> <u>43 P.S. 951 et seq</u> <u>20 U.S.C. 1092</u> <u>20 U.S.C. 1232g</u> <u>20 U.S.C. 1400 et seq</u> <u>20 U.S.C. 1681 et seq</u> <u>29 U.S.C. 794</u> <u>34 U.S.C. 12291</u> <u>42 U.S.C. 12101 et seq</u> <u>42 U.S.C. 1981 et seq</u> <u>42 U.S.C. 2000d et seq</u> <u>U.S. Const. Amend. I</u> <u>U.S. Const. Amend. XIV, Equal Protection Clause</u> <u>28 CFR Part 35</u> <u>28 CFR Part 41</u> <u>34 CFR Part 99</u> <u>34 CFR Part 100</u> <u>34 CFR Part 104</u> <u>34 CFR Part 106</u> <u>34 CFR Part 110</u> Bostock v. Clayton County, 590 U.S., 140 S. Ct. 1731 (2020) Davis v. Monroe County Board of Education, 526 U.S. 629 (1999) Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992) Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998) <u>Office for Civil Rights - Resources for Addressing Racial Harassment</u> Pol. 103.1 Pol. 113 Pol. 113.1 Pol. 113.2 Pol. 113.3 Pol. 122 Pol. 123 Pol. 138 Pol. 150 Pol. 216 Pol. 218 Pol. 218.4 Pol. 220 Pol. 233 Pol. 247 Pol. 249 Pol. 251 Pol. 252 Pol. 317 Pol. 317.1 Pol. 320 Pol. 352 Pol. 701 Pol. 806 §</p>
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