

Attachment 2 to Policy 103 and 104
Non-Title IX Harassment Grievance Procedures

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Contact Information

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Scope of Covered Conduct

The District is required by law to respond promptly and equitably when it knows about conduct that could constitute discrimination or harassment, as defined in Policy 103 and Policy 104, to attempt to prevent recurrence, and to document the District's response under the law.

Attachment 2 contains the procedures for harassment on the basis of a protected class, except for Title IX Sexual Harassment (Attachment 1).

Timeframes

From the day that the Compliance Officer/Title IX Coordinator receives notice of harassing conduct prohibited by Policy 103 or Policy 104 that does not constitute Title IX Sexual Harassment, the District shall complete an investigation and determination about the conduct within sixty (60) calendar days.

This timeframe may be modified to allow for a temporary delay or limited extension of time for good cause. Good cause may include, but is not limited to: (1) the absence of a party or witness; (2) concurrent law enforcement activity; (3) the need for language assistance or accommodations for disabilities; (4) appointment of a third-party, such as a law firm, to conduct any step of the process.

Appeals shall not be provided except where required by law.

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Internal Resolution Process (Grievance Procedures)

Actual notice to the Compliance Officer/Title IX Coordinator constitutes a report, whether in writing or verbal. The Compliance Officer/Title IX Coordinator must document the report on the Report Form attached to Policy 103 or Policy 104 or using an internal report tracking system.

The Compliance Officer/Title IX Coordinator shall analyze the report to determine if resolution should proceed through Attachment 1 to Policy 103 or Policy 104, Attachment 2 to Policy 103 or Policy 104, Attachment 3 to Policy 103 or 104 or some other complaint resolution process.

Upon making the decision to resolve the report through this policy, the Compliance Officer/Title IX Coordinator shall issue written notice to all parties informing them about the report and disclosing the existence of an investigation under this policy. Policy 103 and Policy 104 and its attachments must be provided to the parties along with the written notice.

Ordinarily, a building principal shall investigate a report of harassment or discrimination under this policy. The Compliance Officer/Title IX Coordinator may delegate that responsibility to another competent person, such as a Human Resources administrator.

Ordinarily, the person who conducted the investigation shall make disciplinary recommendations within a written decision report. The Compliance Officer/Title IX Coordinator may delegate that responsibility to another competent person, such as a Human Resources administrator.

The written investigation and decision report must contain:

- I. Allegations
- II. Applicable Policies & Conduct Violations
- III. Procedural Steps
- IV. Evidence Considered
 - a. List of Relevant Evidence
 - b. Explanation About Weight of Evidence (if there is any reason to afford certain evidence more weight)
 - c. Credibility Determination (if credibility is at issue)
- V. Factual Findings
 - a. Undisputed Facts
 - b. Factual Conclusions Regarding Disputed Facts
- VI. Analysis
 - a. Factual Application to Elements of Alleged Violation
 - b. Conclusion as to Responsibility for Policy Violation
- VII. Recommendations/Educational Consequences/ Disciplinary Sanctions

The Title IX Coordinator/Compliance Officer shall issue the report to all parties at the conclusion of the investigation. The Title IX Coordinator/Compliance Officer may redact the report to protect the identity of witnesses or to comply with FERPA and District policies.

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Discipline

For conduct covered by this Policy *other than sexual harassment*, discipline may be applied prior to the completion of the entire internal grievance process. In the event of a finding that an individual did not violate this Policy, the discipline record shall be expunged.

Informal Resolution

The Compliance Officer/Title IX Coordinator may implement the Informal Resolution procedure as a substitute for the formal investigation procedure at any time prior to a written determination. This decision is a case-by-case decision depending on the nature of the allegations.

Upon initiation of the Informal Resolution procedure, the timeframes for the Grievance Procedure shall be paused until the timeframe for the Informal Resolution has lapsed without a resolution.

Informal Resolution can result in any of the educational or disciplinary consequences that are available under the Grievance Procedure. Informal Resolution could consist of a facilitated discussion with families and students (Parties in the same room), shuttle negotiations (Parties in separate rooms), peer mediations, restorative circles, or any other restorative or educational practice.

In order to engage in Informal Resolution, the Parties must provide voluntary, written consent to the Informal Resolution process.

If deemed appropriate, the Compliance Officer/Title IX Coordinator shall provide the Parties a written notice, including a description of the allegations subject to Informal Resolution, of the contents of this section.

The outcome of the Informal Resolution shall be shared in writing with the Parties.

Students with Disabilities

If the Complainant or Respondent is identified as a student with a disability or is suspected of having a disability, the Director of Special Education must be promptly consulted and provided with the opportunity to provide input.

Students with disabilities may not be subject to Emergency Removal without a manifestation determination review, except as permitted by law.

While the Decision-maker can recommend an IEP Meeting or Section 504 Team Meeting to consider placement or services as a consequence of a policy violation, the Decision-maker does not have the authority to unilaterally change a student's IEP.

Changes to the student's IEP may not be made without a recommendation from the IEP Team.

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Retaliation

Retaliation is strictly prohibited. Anyone who feels that they have experienced retaliation is encouraged to report it immediately to the Title IX Coordinator.

Retaliation means actions including, but not limited to, intimidation, threats, coercion, or discrimination against a victim or other person because they report discrimination or harassment, participate in an investigation or other process addressing discrimination or harassment, or act in opposition to discriminatory practices. The acts could be for the purpose of interfering with any right or privilege secured by law or 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 or proceeding under this part, including in an Informal Resolution process, in Grievance Procedures, and in any other actions taken by a District in executing its responsibilities under this Policy.

Retaliation shall constitute another allegation of an infraction of this Policy.