

Attachment 3 to Policy 103 and 104
Discrimination in Programs Complaint Procedures

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Contact Information

Compliance Officer/Title IX Coordinator

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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 3 contains the procedures for resolution of complaints that allege discrimination in programs or activities, including disparate treatment and discriminatory environment allegations.

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 could constitute non-harassment but makes allegations of discrimination in programs or activities, 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.

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.

The Compliance Officer/Title IX Coordinator shall ordinarily investigate claims of discrimination in programs or activities, including disparate treatment and discriminatory environment. The Compliance Officer/Title IX Coordinator may delegate that responsibility to another competent person, such as a program administrator.

The same person who investigates the allegations will author the final decision report.

The written 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 Existence of a Policy Violation
- VII. Recommendations to Resolve Discrimination in Programs or Activities

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.

In the event that a policy violation is found, the Superintendent or designee, in conjunction with District legal representation, shall review the recommendations. The Superintendent has the discretion to implement or not to implement any recommendation, so long as the result of the Superintendent's action is intended to remedy the discrimination and to prevent its recurrence. The Superintendent will document the District's actions taken in response to the finding of discrimination.

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.

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.