

**Altoona Area School District
Notice of Nondiscrimination/Harassment**

The Altoona Area School District strives to provide a safe, positive learning environment for students and employees. The District does not discriminate on the basis of sex in the educational programs or activities that it operates and the District works to ensure its operations are in compliance with Title IX.

Title IX of the Education Amendments of 1972 is a federal law prohibiting discrimination on the basis of sex in all education programs and activities operated by recipients of federal funds. It states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.”

Title IX’s protection applies at all elementary and secondary schools, colleges and universities—public or private—that receive federal financial assistance, and at certain other educational institutions. The protection extends to all aspects of these institutions’ education programs and activities. Title IX prohibits all forms of sex discrimination, including gender-based harassment, sexual harassment, and sexual violence.

The Altoona Area School District will strive to maintain a learning and working environment that is free from discrimination and harassment. Failure to promptly and equitably investigate alleged sexual harassment or sex discrimination is a violation of Title IX (34 C.F.R. Part 106). The District will act positively to promptly investigate alleged sexual discrimination or sexual harassment claims and to take appropriate corrective action when an allegation is determined to be valid. No retaliation may be taken against any person for making a report of discrimination or filing a complaint in good faith.

Complaints of sexual discrimination or harassment are to be directed to:

Patricia L. Burlingame
Title IX Coordinator
Altoona Area High School
1415 Sixth Avenue
Altoona, PA 16602
(814) 946-8365

Title IX Complaints involving the Title IX Coordinator shall be referred to:

Dr. Charles A. Prijatelj
Superintendent
1415 Sixth Avenue
Altoona, PA 16602
(814) 946-8350

Altoona Area School District
Grievance Procedures for Title IX of the Education Amendments of 1972

**Title IX Coordinator: Patricia A. Burlingame, Assistant Superintendent,
Elementary Education & K-12 Curriculum**

I. Filing of Grievances

- A. Eligibility for Filing: Any student or employee, or any individual or group acting on behalf of a student or employee (male or female), may file a grievance of sex discrimination or sexual harassment with the Title IX Coordinator.
- B. Pre-grievance Contact: Prior to the submission of a written grievance to a hearing officer or hearing panel, the grievant(s) may request pre-grievance contact with the respondent alleged to be directly responsible for the violation, and/or with the persons having immediate supervisory authority related to the grievance. These persons may make reasonable efforts to meet with the Title IX Coordinator to discuss the grievance that the student(s) or employee(s) wishes to bring to their attention. Such a pre-grievance contact, however, shall be of the option of the grievant(s); it shall not be a precondition for the submission of a written grievance to a hearing officer.
- C. Grievance Filing: Grievances filed with the Title IX Coordinator shall be in writing on a form provided by the Coordinator, and shall provide the following information: name and address of grievant(s); nature of alleged violation; names of persons responsible for alleged violation (when known); requested relief or corrective action (specification of desired relief shall be at the option of the grievant); and any background information the grievant(s) believe to be relevant (e.g. name of groups of other persons affected by the violation, etc.)
- D. Grievance Forms: A grievance form shall be prepared by the grievant and the Title IX Coordinator who will facilitate the filing of the grievance. These forms may be obtained from the Title IX Coordinator. The grievant shall have the right to request assistance from the Title IX Coordinator or any other individual, group, or organization to assist in the preparation of the form or in the filing of the grievance.
- E. Time Limit for Grievance Filing: A grievance must be filed within 60 days of the occurrence of the alleged Title IX violation.
- F. Grievance Provisions: Prior to filing a grievance, the grievant(s) shall be informed of the provisions and their rights, and shall be given a copy of Part V: General Provisions.

II. Definitions

- A. Grievance: Grievance means a complaint alleging any policy, procedure, or practice which would be prohibited by Title IX.
- B. Title IX: Title IX means Title IX of the Education Amendments of 1972, the 1975 implementing regulations, and any memoranda, directive, guidelines, or subsequent legislation that may be issued or enacted.
- C. Grievant: Grievant means a student or employee of the Altoona Area School District who submits a grievance relevant to Title IX, or an individual or group submitting a grievance on behalf of a student(s) or employee(s).
- D. Altoona Area School District: Any reference to Altoona Area School District means any school, department, subunit or program operated by the Altoona Area School District.
- E. Title IX Coordinator: Title IX Coordinator means the employee designated to coordinate Altoona Area School District's effort to comply with and carry out its responsibilities under Title IX.
- F. Respondent: Respondent means a person alleged to be responsible or may be responsible for the Title IX violation alleged in the grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

- G. Hearing Officer/Hearing Panel: Hearing Officer means the representative(s) of the Altoona Area School District or of its governing body who is the delegated authority for hearing/resolving a grievance at a specific level of grievance processing.
- H. Grievance Answer: Grievance answer means the written statement of the respondent regarding the grievance allegation and possible corrective action.
- I. Grievance Decision: Grievance decision means the written statement of a hearing officer/hearing panel of his/her/their findings regarding the validity of the alleged grievance and the corrective action to be taken.
- J. Day: Day means a working day. The calculation of days specified in the grievance procedures excludes Saturdays, Sundays and holidays.
- K. Corrective Action: Corrective Action means action which is taken by the Altoona Area School District to eliminate or modify any policy, procedure or practice found to be in violation of Title IX, or to provide redress to any grievant injured by the identified violation.

III. Initial Processing of Grievances

- A. Notification of Respondents: Within five (5) days of the filing of a grievance, the Title IX Coordinator shall submit a copy of the completed grievance form to the respondent(s), if requested by the grievant. The respondent(s) shall provide a written grievance answer and return the grievance form to the Title IX Coordinator within five (5) days after receipt of the grievance.
- B. Respondent(s) Grievance Answer: The respondent(s) receiving a copy of a grievance form shall, within five (5) days, submit a written grievance answer to the grievant via the Title IX Coordinator. Such answer shall confirm or deny each fact alleged in the grievance, indicate the extent to which the grievance has merit, or indicate acceptance or rejection of any desired redress specified by the grievant, or outline an alternative proposal for redress.
- C. Referral of Grievance and Grievance Answer to Appropriate Processing Level:
Within five (5) days after receipt of the respondent's written grievance answer, the Title IX Coordinator shall determine the appropriate level for first grievance processing and submit a copy of the grievance form and the respondent's grievance answer to the appropriate hearing officer/panel. If no grievance answer has been received from the respondents by the fifth (5th) day after notification, the Title IX Coordinator shall on the sixth (6th) day, immediately submit a copy of the grievance form to the appropriate level along with a notice of non-response from the respondent.

The criteria which shall be used by the Title IX Coordinator in determining the appropriate level for first processing of a grievance include:

- Level I: Hearing Panel - Grievance involving policy, procedure, or practice of a single unit or subunit of the Altoona Area School District.
- Level II: Superintendent - Grievance involving administrative policy, procedure, or practice of the entire Altoona Area School District.
- Level III: Board of School Directors - Grievance involving policy for which a governing board is primarily responsible.

If the grievance is referred directly to Level II or the Level III for first processing, the Title IX Coordinator shall briefly write the reasons for this decision on the form.

IV. Grievance Processing Levels

- A. Level I:
(1) Written grievance decision by Level I Hearing Officer/Hearing Panel
When a grievance and, if possible, a grievance answer are referred to Level I for first processing, the Level I hearing officer or hearing panel shall, within five (5) days of referral, submit a written grievance decision to the grievant, and if applicable, the respondent, via the Title IX Coordinator. The decision shall: (a) Confirm or deny each fact alleged in the grievance and in the respondent's answer, (b) indicate the extent to which the grievance has merit, or (c) indicate acceptance or rejection of any redress specified by the grievant or respondent.

(2) Acceptance or rejection of hearing decision by the grievant

If the grievant rejects the Level I hearing decision, he/she will, within ten (10) days of the receipt of the hearing decision, notify the Title IX Coordinator of his/her intent to appeal the grievance to Level II. This notification shall be in writing. If no such notification is received by the Title IX Coordinator within this time period, any corrective action specified in the Level I hearing decision shall be taken, and the grievance will be recorded as closed.

(3) No written decision by Level I hearing officer/hearing panel

In the event that no written decision is issued by the Level I hearing officer/hearing panel within five (5) days of referral, the Title IX Coordinator shall, on the sixth (6th) day, immediately arrange a date for a Level II hearing, and submit the grievance along with a notice of non-response from the Level I hearing officer/hearing panel to the Level II hearing officer.

B. Level II:

(1) Scheduling of a Level II Hearing, Notification of Participants

Within five (5) days of the grievant's request to appeal the grievance to Level II, the Title IX Coordinator shall arrange a date for a Level II hearing. The coordinator shall notify the grievant, the respondent, if applicable, and the Level II hearing officer of the time, place, and minimum duration of the hearing. The hearing shall be held five (5) days after the appeal/referral of the grievance to Level II. If any written materials or records relevant to the grievance are transmitted to the Level II hearing officer by the Title IX Coordinator at the time of notification, copies of these materials shall also be transmitted to the grievant and, if applicable, the respondent.

(2) Persons Present at the Level II Hearing

Persons present at the informal hearing shall include the grievant, the respondent, and representative(s) of either the grievant or the respondent, any individual requested by either party to provide information relevant to the evaluation of the grievance, and the Level II hearing officer. The Title IX Coordinator shall be present to act as moderator and recorder. Hearings shall not be open to other persons unless requested by the grievant.

(3) Procedures Governing the Conduct of the Level II Hearing

- (a) Duration: No hearing shall be less than three (3) hours long, unless all parties consent to a shorter hearing. The times established for the duration of the hearing shall be allocated in equal parts to the grievant and the respondent. The Title IX Coordinator shall moderate the usage of time.
- (b) Grievance Witnesses: Both the grievant and the respondent shall have the right to present such witnesses as they deem necessary to develop the facts pertinent to the grievance.
- (c) Questioning of Witnesses: Formal rules of evidence shall not be applied at the Level II grievance hearing. The grievant and respondent shall have the right to use their allocated time to ask questions of any person participating in the hearing.

(4) Level II Hearing Decision

Within five (5) days after the Level II hearing, the Level II hearing officer shall issue a written decision which includes a statement regarding the validity of the grievance allegation, and a specification of any corrective action to be taken. This decision shall specify the reasons on which the decision is based. Copies of the decision shall be sent to the grievant and the respondent via the Title IX Coordinator.

(5) Acceptance or Rejection of Hearing Decision by the Grievant

If the grievant rejects the Level II hearing decision, he/she shall, within ten (10) days of the receipt of the hearing decision, notify the Title IX Coordinator of his/her intent to appeal the grievance to Level III. This notification shall be in writing. If no such notification is received within this time period, any corrective action specified in the Level II hearing decision shall be taken, and the grievance will be recorded as closed.

(1) No Written Decision by Level II Hearing Officer

In the event that no written decision is issued by the Level II hearing officer within five (5) days after the Level II hearing, the Title IX Coordinator shall, on the sixth (6th) day, immediately submit a copy of the grievance form for processing at Level III, along with a formal notification for a Level III hearing, to the governing board of the Altoona Area School District or its designated representative(s). The grievance form shall also include a notice of non-response from the Level II hearing officer.

C. Level III:

(1) Grievance Hearing Conducted by the Governing Board or Board's Designated Representatives

Processing activities shall occur on the following schedule:

(a) Scheduling of the Hearing: Within five (5) days of the grievant's request to appeal the grievance to Level III, the Title IX Coordinator shall submit to the governing body or its designated representative(s) a copy of the grievance and a formal notification requesting a date for the Level III hearing. The coordinator shall notify the grievant, the respondent, and the Level III hearing officer(s) of the time, place and minimum duration of the hearing to occur within fifteen (15) days after notifying the Level III hearing officer of the grievance. If any written materials or records relevant to the grievance are transmitted to the Level III hearing officer(s) by the Title IX Coordinator prior to the hearing, copies of these materials shall also be transmitted to the grievant and, if applicable, to the respondent.

(b) Conducting the Hearing: The hearing shall be scheduled for and conducted on a date not to exceed fifteen (15) days after the appeal/referral of the grievance to Level III. It should be conducted similar to procedures governing the conduct of the Level II hearing.

(2) Level III Hearing Decision:

The governing board or the board's designated representative(s) of the Altoona Area School District shall issue a written decision which includes a statement regarding the validity of the alleged grievance and a specification of any corrective action to be taken. This decision shall constitute a final decision issued pursuant to any grievance. All Level III hearing decisions shall be based on a majority vote by the governing body or its designated representative(s). Any board member in disagreement with the majority or its designated representative(s) shall have the option to prepare a dissenting opinion for inclusion within the final decision. A copy of the decision shall be sent to the grievant and the respondent, if applicable, via the Title IX Coordinator. The Superintendent shall also receive a copy of the decision.

(3) Rejection of Hearing Decision by Grievant:

If the grievant rejects the Level III hearing decision, she/he may notify a state or federal agency having civil rights enforcement power. These agencies are: The Pennsylvania Human Relations Commission and the U.S. Office for Civil Rights.

V. **General provisions**

A. Grievant's Right to Information:

A grievant(s) may request access to information and records of the Altoona Area School District which relate to the validity of the grievance. If such requested information requires an unreasonable cost by the District, such request may be refused, provided that the information is not submitted as evidence by the respondent(s), and that this refusal is considered during the grievance hearing. In order to protect the privacy of persons not directly involved in the grievance proceeding, the District shall reserve the right to expunge names and any identifying information not directly relevant to the substance of the grievance from any information or records supplied to the grievant.

B. Grievant's Right to Representation and Assistance:

(1) Right to Representation: The grievant(s) has the right to be represented by knowledgeable persons, organizations, or groups of his/her selection at any point during the initiation, filing, or processing of the grievance. The Title IX Coordinator shall provide help in identifying such knowledgeable persons or groups.

- (2) Right to Assistance: The District shall provide assistance to grievant, including access to copies of the Title IX regulations, related guidelines, memoranda, or other relevant materials supplied the institution by the federal government as well as access to public grievance records. In addition, the Title IX Coordinator shall provide consultation and assistance in the interpretation of such information and use of this grievance procedure.
- C. Training of Grievance Hearing Officer: All persons designated as Level I, Level II, and Level III grievance hearing officers may request training regarding Title IX regulatory requirements and non-discrimination precedents, and the basic principles and operations of this grievance procedure. This training shall be arranged by the Title IX Coordinator. The Title IX Coordinator may also provide continuing consultation to hearing officers regarding the civil rights requirements of this procedure.
- D. Confidentiality of Grievance Handling: Grievant(s) shall also have the right to determine whether or not their grievance record shall be open or closed to the public. Should grievant decide that the grievance record shall be open to the public, they shall have the additional right to have any matter which directly or indirectly identifies the grievant(s) removed from all grievance records or documents open to the public. No record of grievance shall be entered in the personal file of any student or employee.
- E. Maintenance of Grievance Records: Records shall be kept of each grievance. These shall include, at minimum: the name of the grievant and his/her position in the Altoona Area School District; the date of the grievance filing; the specific allegation made by the grievance and any corrective action requested; the names of respondents; the levels of processing and resolution; date and hearing officer(s) at each level; a summary of major points, facts, and evidence presented by each party to the grievance; and a statement of the final resolution and the nature and date of any corrective action taken. Such records shall be maintained on a confidential basis unless otherwise specified by the grievant, and shall be filed for a minimum of three (3) years.
- F. Prohibition of Harassment: No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having used or helped others use this grievance process.
- G. Role of Title IX Coordinator: It is the primary responsibility of the Title IX Coordinator to ensure the effective installation, maintenance, processing, record keeping, and notification required by this grievance procedure.
- H. Financial Responsibility for Grievance Processing: All costs involved in the administration of this grievance procedure shall be assumed by the Altoona Area School District.