



Book	Policy Manual
Section	1000 Programs
Title	Discrimination/Harassment Affecting Students
Code	1003
Status	Active
Adopted	February 12, 2026

Authority

The Board of Trustees (Board) declares it to be the policy of this Charter School to provide an equal opportunity for all students to achieve their maximum potential through the programs and activities offered in the Charter School without discrimination on the basis of race, color, age, religious creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)[\[18\]](#)[\[19\]](#)[\[20\]](#)

The Board also declares it to be the policy of this Charter School to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discrimination shall be referred to throughout this policy as Title IX sexual harassment. Inquiries regarding the application of Title IX to the Charter School may be referred to the Title IX Coordinator, to the Office for Civil Rights of the U.S. Department of Education, or both.

The Charter School is committed to the maintenance of a safe, positive learning environment for all students that is free from discrimination by providing all students admission, course offerings, counseling, assistance, services, employment, athletics and extracurricular activities without any form of discrimination, including Title IX sexual harassment. Discrimination is inconsistent with the rights of students and the educational and programmatic goals of the Charter School and is prohibited at or in the course of Charter School-sponsored programs or activities, including transportation to or from the Charter School or Charter School-sponsored activities.

Violations of this policy, including acts of retaliation as described in this policy, or knowingly providing false information, may result in disciplinary consequences under applicable Board policy and procedures.[\[21\]](#)[\[22\]](#)[\[23\]](#)[\[24\]](#)

The Board directs that the foregoing statement of Board policy be included in each student and staff handbook, and that this policy and related attachments be posted to the school's website.

The Board requires a notice stating that the Charter School does not discriminate in any manner, including Title IX sexual harassment, in any Charter School education program or activity, to be issued to all students, parents/guardians, employment applicants, and employees. All discrimination notices and information shall include the title, office address, telephone number and email address of the individual(s) designated as the Compliance Officer/Title IX Coordinator.

Definitions

Complainant - an individual who is alleged to be the victim.

Pregnancy - 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.[\[25\]](#)

Race includes all of the following:[\[25\]](#)[\[26\]](#)

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.

Religious creed includes all aspects of religious observance, practice or belief.[\[27\]](#)

Respondent - an individual alleged to be the perpetrator of discriminatory conduct.

Discrimination

Discrimination - to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, religious creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy, or handicap/disability.

Harassment - a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by the Charter School.

Definitions Related to Title IX Sexual Harassment

Formal complaint - a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX sexual harassment and requesting that the Charter School investigate the allegation under the grievance process for formal complaints. The authority for the Title IX Coordinator to sign a formal complaint does not make the Title IX Coordinator a party in the grievance process for formal complaints. The phrase "document filed by a complainant" refers to a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.[\[28\]](#)[\[29\]](#)

Supportive measures - nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.[\[29\]](#)

Supportive measures shall be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or to deter sexual harassment. Supportive measures may include, but are not limited to:[\[29\]](#)

1. Counseling.
2. Extensions of deadlines or other course-related adjustments.
3. Modifications of work or class schedules.
4. Campus escort services.
5. Mutual restrictions on contact between the parties.
6. Leaves of absence.
7. Increased security.
8. Monitoring of certain areas of the campus.
9. Assistance from domestic violence or rape crisis programs.
10. Assistance from community health resources including counseling resources.

Supportive measures may also include assessments or evaluations to determine eligibility for special education or related services, or the need to review an Individualized Education Program (IEP) or Section 504 Service Agreement based on a student's behavior. This could include, but is not limited to, a manifestation determination or functional behavioral assessment (FBA), in accordance with applicable law, regulations and Board policy. The Title IX Coordinator shall consult with the Special Education Department in the implementation of supportive measures for students with an IEP or Section 504 Service Agreement.[\[20\]](#)[\[21\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)

Title IX sexual harassment - conduct on the basis of sex that satisfies one or more of the following:[\[29\]](#)

1. A Charter School employee conditioning the provision of an aid, benefit, or Charter School service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a Charter School education program or activity.
3. Sexual assault, dating violence, domestic violence or 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:[\[33\]](#)
 - 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.[\[33\]](#)
- 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.[\[34\]](#)
- d. **Stalking**, under Title IX 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:[\[33\]](#)
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a Charter School education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An education program or activity includes the locations, events or circumstances over which the Charter School exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a Charter School's education programs or activities, whether such programs or activities occur on-campus or off-campus.[\[28\]](#)[\[29\]](#)[\[35\]](#)

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the [\[36\]](#)

Michael Ricciutti, M. Ed as the Charter School's Compliance Officer and Title IX Coordinator. The Compliance Officer/Title IX Coordinator can be contacted at:

Address: 555 Union Blvd, Allentown, PA 18109

Email: mricciutti@ee-schools.org

Phone Number: (610) 841-7044

The Compliance Officer/Title IX Coordinator shall fulfill designated responsibilities to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of the Charter School's nondiscrimination procedures in the following areas, as appropriate:[\[35\]](#)

1. Curriculum and Materials – Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training – Provide training for students and staff to prevent, identify and alleviate conduct which may constitute discrimination.

3. Resources – Maintain and provide information to staff on resources available to complainants in addition to the Charter 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.
4. Student Access – Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
5. Charter School Support – Assure that like aspects of the Charter School programs and activities receive like support as to staffing and compensation, facilities, equipment and related areas.[37]
6. Student Evaluation – Review of assessments, procedures and guidance and counseling materials for stereotyping and discrimination.
7. Reports/Formal Complaints – Monitor and provide technical assistance to individuals involved in managing informal reports and formal complaints.

Guidelines

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation

The Board encourages students and third parties who believe they or others have been subject to Title IX sexual harassment, other discrimination or retaliation to promptly report such incidents to the Charter School CEO or administrator, even if some elements of the related incident took place or originated away from Charter School grounds, education programs or activities, or Charter School conveyances. A person who is not an intended victim or target of discrimination but is adversely affected by the conduct may file a report of discrimination.

The student's parents/guardians or any other person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building Charter School CEO or administrator.

A Charter School employee who suspects or is notified that a student may have been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building Charter School CEO or administrator, as well as properly making any mandatory law enforcement or child protective services reports required by law.[38][39]

If the building Charter School CEO or administrator is the subject of a complaint, the student, third party or a reporting employee shall report the incident directly to the Title IX Coordinator.

The complainant or the individual making the report may use the designated Charter School report form attached to this policy for purposes of reporting an incident or incidents in writing; however, oral reports of an incident or incidents shall be accepted, documented and the procedures of this policy and the relevant attachments followed.

The building Charter School CEO or administrator shall promptly notify the Title IX Coordinator of all reports of discrimination, Title IX sexual harassment or retaliation. The Title IX Coordinator shall promptly contact the complainant regarding the report to gather additional information as necessary, and to discuss the availability of supportive measures. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures.

The Title IX Coordinator shall conduct an assessment to determine whether the reported circumstances are most appropriately addressed through the Discrimination Complaint Procedures prescribed in Attachment 2 to this policy, or if the reported circumstances meet the

definition of Title IX sexual harassment and are most appropriately addressed through the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3, or other Board policies.

Disciplinary Procedures When Reports Allege Title IX Sexual Harassment

When a report alleges Title IX sexual harassment, disciplinary sanctions may not be imposed until the completion of the grievance process for formal complaints outlined in Attachment 3. The Charter 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 process for formal complaints.

When an emergency removal, as described in Attachment 3, is warranted to address an immediate threat to the physical health or safety of an individual, and it is not feasible to continue educational services remotely or in an alternative setting, the normal procedures for suspension and expulsion shall be conducted to accomplish the removal, including specific provisions to address a student with a disability where applicable.[21][23][31][32]

When an emergency removal is not required, disciplinary sanctions shall be considered in the course of the Title IX grievance process for formal complaints. Following the issuance of the written determination and any applicable appeal, any disciplinary action specified in the determination or appeal decision shall be implemented in accordance with the normal procedures for suspensions, expulsions or other disciplinary actions, including specific provisions to address a student with a disability where applicable.[21][22][23][31]

Discipline/Placement of Student Convicted or Adjudicated of Sexual Assault

Upon notification of a conviction or adjudication of a student in this Charter School for sexual assault against another student enrolled in this Charter School, the Charter School shall comply with the disciplinary or placement requirements established by state law and Board policy.[40][41]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a report and the investigation related to any form of discrimination or retaliation, including Title IX sexual harassment, shall be handled in accordance with applicable law, regulations, Board policy and attachments, and the Charter School's legal and investigative obligations.[28][35][42][43][44]

Retaliation

The Board prohibits retaliation by the Charter School or any other person against any person for: [43]

1. Reporting or making a formal complaint of any form of discrimination or retaliation, including Title IX sexual harassment.
2. Testifying, assisting, participating or refusing to participate in a related investigation, process or other proceeding or hearing.
3. Acting in opposition to practices the person reasonably believes to be discriminatory.

The Charter School, its employees and others are prohibited from intimidating, threatening, coercing or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator immediately if retaliation is believed to have occurred.

Title IX Sexual Harassment Training Requirements

The Compliance Officer/Title IX Coordinator, investigator(s), decision-maker(s), or any individual designated facilitate an informal resolution process related to Title IX sexual harassment shall receive the following training, as required or appropriate to their specific role:

1. Definition of sexual harassment.
2. Scope of the Charter School's education program or activity, as it pertains to what is subject to Title IX regulations.
3. How to conduct an investigation and grievance process for formal complaints, including examination of evidence, drafting written determinations, handling appeals and informal resolution processes, as applicable.
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.
5. Use of relevant technology.
6. Issues of relevance including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
7. Issues of relevance, weight of evidence and application of standard of proof and drafting investigative reports that fairly summarize relevant evidence.
8. How to address complaints when the alleged conduct does not qualify as Title IX sexual harassment but could be addressed under another complaint process or Board policy.

All training materials shall promote impartial investigations and adjudications of formal complaints of Title IX sexual harassment without relying on sex stereotypes.

A reference to all training materials shall be posted on the Charter School's website.

Disciplinary Consequences

A student whose conduct is determined to be responsible for a violation of this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include but is not limited to:[21][22][23]

1. Loss of school privileges.
2. Permanent transfer to another program, classroom or school bus.
3. Exclusion from Charter School-sponsored 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 Board policy, and individual contract, up to and including dismissal and/or referral to law enforcement officials.[24][45]

Reports of Discrimination

Any reports of discrimination that are reviewed by the Title IX Coordinator and do not meet the definition of Title IX sexual harassment but are based on race, color, age, religious creed, religion, sex, sexual orientation, ancestry, national origin, marital status, pregnancy or handicap/disability shall follow the Discrimination Complaint Procedures in Attachment 2 to this policy.

Reports of Title IX Sexual Harassment

Any reports deemed by the Title IX Coordinator to meet the definition of sexual harassment under Title IX shall follow the Title IX Sexual Harassment Procedures and Grievance Process for Formal Complaints in Attachment 3 to this policy.

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Legal

- [1. 22 PA Code 12.1](#)
- [2. 22 PA Code 12.4](#)
- [3. 22 PA Code 4.4](#)
- [4. 24 P.S. 1301](#)
- [5. 24 P.S. 1310](#)
- [6. 24 P.S. 1601-C et seq](#)
- [7. 24 P.S. 5004](#)
- [8. 43 P.S. 951 et seq](#)
- [9. 16 PA Code 41.201 et seq](#)
- [10. 20 U.S.C. 1681 et seq](#)
- [11. 34 CFR Part 106](#)
- [12. 29 U.S.C. 794](#)
- [13. 42 U.S.C. 12101 et seq](#)
- [14. 42 U.S.C. 1981 et seq](#)
- [15. 42 U.S.C. 2000d et seq](#)
- [16. U.S. Const. Amend. XIV, Equal Protection Clause](#)
- [17. 24 P.S. 1715-A](#)
- [18. 24 P.S. 1723-A](#)
- [19. 22 PA Code 711.1 et seq](#)
20. Pol. 1003.1
21. Pol. 1013.1
22. Pol. 2018
23. Pol. 2033
24. Pol. 3017
- [25. 16 PA Code 41.204](#)
- [26. 16 PA Code 41.207](#)
- [27. 16 PA Code 41.205](#)
- [28. 34 CFR 106.45](#)
- [29. 34 CFR 106.30](#)

30. Pol. 1013

31. Pol. 1013.2

32. Pol. 1013.3

[33. 34 U.S.C. 12291](#)

[34. 20 U.S.C. 1092](#)

[35. 34 CFR 106.44](#)

[36. 34 CFR 106.8](#)

37. Pol. 1050

38. Pol. 6006

39. Pol. 6005.1

[40. 24 P.S. 1318.1](#)

41. Pol. 2018.3

[42. 20 U.S.C. 1232g](#)

[43. 34 CFR 106.71](#)

[44. 34 CFR Part 99](#)

45. Pol. 3017.1

[18 Pa. C.S.A. 2709](#)

[20 U.S.C. 1400 et seq](#)

[28 CFR Part 35](#)

[28 CFR Part 41](#)

[34 CFR Part 100](#)

[34 CFR Part 104](#)

[34 CFR Part 110](#)

[U.S. Const. Amend. I](#)

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)

Pol. 1022

Pol. 1038

Pol. 2016

Pol. 2020

Pol. 2047

Pol. 2049

Pol. 2051

Pol. 3020

Pol. 3024

Pol. 5001

Pol. 6000

Pol. 6001

Pol. 6015

[1003 Attach 1 Report Form updated 2-5-26.pdf \(798 KB\)](#)

[1003- Attachment 2 Discrimination updated 2-5-26.DOCX \(53 KB\)](#)

[1003-Attach 3 - Formal Complaint Process - updated 2-5-26.DOCX \(86 KB\)](#)

[1003-Attach 4 Parental Objection to Participation Letter.docx \(29 KB\)](#)