

HARASSMENT AND VIOLENCE

I. GENERAL STATEMENT OF POLICY

It is the policy of this District to maintain a learning environment that is free from harassment because of an individual's race, color, sex, national origin, religion, or disability. The District prohibits any and all forms of harassment because of race, color, sex, national origin, religion, and disability. This policy should not be read to abrogate other District policies prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this District. It is the intent of the District that all such policies be read consistently to provide the highest level of protection from unlawful discrimination in the provision of educational services and opportunities.

It shall be a violation of District policy for any student, teacher, administrator, or other school personnel of this District to harass a student or school personnel through conduct of a sexual nature, or regarding race, color, national origin, religion, or disability, as defined by this policy.

It shall also be a violation of District policy for any teacher, administrator or other school personnel of this District to tolerate sexual harassment or harassment of a student because of race, color, national origin, religion, or disability, as defined by this policy, by a student, teacher, administrator, other school personnel, or by any third parties who are participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the District.

For purpose of this policy, the term "school personnel" includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District.

The school system will act to promptly investigate all complaints, either formal or informal, verbal or written, of harassment because of race, color, sex, national origin, religion, or disability; to promptly take appropriate action to protect individuals from further harassment; and, if it determines that unlawful harassment occurred, to promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy, and/or to take other appropriate action reasonably calculated to end the harassment.

II. DEFINITIONS

A. Sexual harassment

For purposes of this policy, sexual harassment consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. a student or school employee causes another student or school personnel to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or when an employee or third party agent of the school district causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct; or
2. the unwelcome sexual conduct is so severe, persistent or pervasive that it affects a person's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.

Examples of conduct which may constitute sexual harassment include

- sexual advances

- touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts
- coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another
- graffiti or drawings of a sexual nature
- sexual gestures or sexually suggestive comments or behavior
- sexual or dirty jokes
- touching oneself sexually or talking about one's sexual activity in front of others
- spreading rumors about or rating other persons as to sexual activity, performance, or appearance
- unwelcome, sexually motivated or inappropriate patting, pinching or physical contact. This prohibition does not preclude legitimate, non sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as teacher's consoling hug of a young student, or one student's demonstration of a sports move requiring contact with another student
- other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational or employment status or implied or overt promises of preferential treatment.

B. Harassment because of Race or Color

For purposes of this policy, racial harassment consists of verbal or physical conduct relating to an individual's race or color, when:

1. the harassing conduct is sufficiently severe, persistent or pervasive that it affects a person's ability to participate in or benefit from an educational program or activity or employment or creates an intimidating, threatening or abusive educational or work environment;
2. the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance; or
3. the harassing conduct otherwise adversely affects an individual's learning or work opportunities.

Examples of conduct which may constitute harassment because of race or color include

- graffiti or writings containing racially offensive language
- name calling, jokes or rumors
- threatening or intimidating conduct directed at another because of the other's race or color
- racial slurs, negative stereotypes, and hostile acts which are based upon another's race or color
- written or graphic material containing racial comments or stereotypes which is posted or circulated and which is aimed at degrading individuals based upon race or color
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or color
- other kinds of aggressive conduct such as theft or damage to property which is motivated by race or color.

C. Harassment based upon National Origin or Religion

For purposes of this policy, national origin or religious harassment consists of verbal or physical conduct relating to an individual's religion or country of origin or the country of origin of the individual's parents, family members or ancestors when:

1. the harassing conduct is so severe, persistent or pervasive that it affects a person's ability to participate in or benefit from an educational program or activity or employment or creates an intimidating, threatening or abusive educational or work environment;
2. the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

3. the harassing conduct otherwise adversely affects an individual's learning or work opportunities. Examples of conduct which may constitute harassment because of national origin or religion include
 - graffiti or writings containing offensive language which is derogatory to others because of their national origin or religion
 - threatening or intimidating conduct directed at another because of the other's national origin or religion
 - jokes, name calling, or rumors based upon an individual's national origin, or religion
 - ethnic slurs, negative stereotypes, and hostile acts which are based upon another's national origin or religion
 - written or graphic material containing derogatory comments or stereotypes which is posted or circulated and which is aimed at degrading individuals based upon national origin or religion
 - a physical act of aggression or assault upon another because of, or in a manner reasonably related to national origin or religion
 - other kinds of aggressive conduct such as theft or damage to property which is motivated by national origin or religion.

D. Harassment because of Disability

For purposes of this policy, harassment because of the disability of a person consists of verbal or physical conduct relating to an individual's physical or mental impairment when

1. the harassing conduct is so severe, persistent or pervasive that it affects a person's ability to participate in or benefit from an educational program or activity, or employment, or creates an intimidating, threatening or abusive educational or work environment;
2. the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. the harassing conduct otherwise adversely affects an individual's learning or work opportunities.

Examples of conduct which may constitute harassment because of disability include

- graffiti or writings containing offensive language which is derogatory to others because of their physical or mental disability
- threatening or intimidating conduct directed at another because of the other's physical or mental disability
- jokes, rumors or name calling based upon an individual's physical or mental disability
- slurs, negative stereotypes, and hostile acts which are based upon another's physical or mental disability
- graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals because of their disability
- physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability
- other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's physical or mental disability.

III. REPORTING PROCEDURES

Any student or school personnel who believes he or she has been the victim of sexual harassment or harassment based on race, color, national origin, religion, or disability by a student, teacher, administrator or other school personnel of the District, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the District, is encouraged to immediately report the alleged acts to an appropriate District official designated by this policy.

Any teacher, administrator, or other school official who has or receives notice that a student has or may have been the victim of sexual harassment or harassment based on race, color, national origin, religion, or disability by a student, teacher, administrator or other school personnel of the District, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the District, is required to immediately report the alleged acts to an appropriate District official designated by this policy.

Any other person with knowledge or belief that a student has or may have been the victim of sexual harassment or harassment based on race, color, national origin, religion, or disability as set forth above, is encouraged to immediately report the alleged acts to an appropriate District official designated by this policy. The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the District office. Nothing in this policy shall prevent any person from reporting harassment directly to a District Human Rights officer or to the superintendent.

A. In each school building, the building principal is the person responsible for receiving reports of sexual harassment, or harassment based on race, color, national origin, religion, or disability at the building level. Any adult school District personnel who receives a report of sexual harassment, or harassment based on race, color, national origin, religion, or disability shall inform the building principal immediately. Upon receipt of a report, the principal must notify the District Human Rights officer immediately, without screening or investigating the report. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Human Rights officer. If the report was given verbally, the principal shall personally reduce it to written form in a timely manner and forward it to the Human Rights officer. Failure to forward any harassment report or complaint as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the District Human Rights officer by the reporting party or the complainant.

B. The School Board has designated: the Assistant Superintendent as the School District Human Rights officer with responsibility to identify, prevent, and remedy harassment. The District Human Rights officer shall

- receive reports or complaints of sexual harassment, and harassment based on race, color, national origin, religion, or disability;
- oversee the investigative process;
- be responsible for assessing the training needs of the District's staff and students in connection with the dissemination, comprehension, and compliance with this policy;
- arrange for necessary training required for compliance with this policy; and
- insure that any investigation is conducted by an impartial investigator

If any complaint involves a Human Rights officer, the complaint shall be filed directly with the Superintendent. If the complaint involves the Superintendent, the report may be filed directly with the Board. The District shall conspicuously post the general statement of this policy against harassment and violence in each school that the District maintains, in a place accessible to students, faculty, administrators, employees, parents and members of the public. This notice shall include the name, mailing address and telephone number of the Human Rights officer, the name, mailing address and telephone number of the state agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

C. A copy of the general statement of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

- D. The Superintendent or designee will develop a method of discussing this policy with students and employees. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to all school personnel as the District Human Rights officer determines is necessary or appropriate.
- E. This policy shall be reviewed at least annually for compliance with state and federal law.
- F. The privacy of individuals involved in a complaint will be respected, but only to the extent possible and consistent with a full and complete investigation of any issues of harassment and the fulfillment of the purposes of this policy.

IV. INVESTIGATION

Upon receipt of a report or complaint alleging sexual harassment or harassment based upon race, national origin, religion, or disability, the Human Rights officer shall immediately undertake or authorize an investigation. That investigation may be conducted by District officials or by a third party designated by the District. The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents, which may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this policy, the District shall consider

- the nature of the behavior
- how often the conduct occurred
- whether there were past incidents or past continuing patterns of behavior
- the relationship between the parties involved
- the race, national origin, religion, disability, sex and age of the victim
- the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment
- the number of alleged harassers
- the age of the alleged harasser
- where the harassment occurred
- whether there have been other incidents in the school involving the same or other persons
- whether the conduct adversely affected the person's education or educational or work environment
- the context in which the alleged incidents occurred.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

The investigation shall be completed no later than fourteen days from receipt of the report. The District Human Rights officer shall make a written report to the Superintendent upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The District Human Rights officer's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

V. SCHOOL DISTRICT ACTION

- A. Upon receipt of a report that a violation has occurred, the District will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. District action taken

for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and District policies for violations of a similar nature or similar degree of severity. In determining what is an appropriate response to a finding that harassment in violation of this policy has occurred, the District shall consider

- what response is most likely to end any ongoing harassment
- whether a particular response is likely to deter similar future conduct by the harasser or others
- the amount and kind of harm suffered by the victim of the harassment
- the identity of the party who engaged in the harassing conduct
- whether the harassment was engaged in by school personnel, and if so, the District will also consider how it can best remediate the effects of the harassment.

In the event that the evidence suggests that the harassment at issue is also a crime in violation of an Ohio criminal statute, the Board shall also direct the District Human Rights officer to report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

- B. The results of the District's investigation of each complaint filed under these procedures will be reported in writing to the complainant, alleged harasser(s) and any other parties involved.
- C. If the results of the District's evaluation of a complaint of harassment results in a conclusion that an individual has engaged in unlawful harassment in violation of this policy, or that school personnel have failed to report harassment as required herein, that individual may appeal any educational penalty or disciplinary action only through established Board procedures for appealing other adverse personnel and/or education related actions. If the results of the District's evaluation of a complaint of harassment results in a conclusion that no unlawful harassment has occurred, an individual who was allegedly subjected to harassment and believes that this conclusion is erroneous may file a complaint about the conclusion under the established Board complaint procedure.
- D. Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained as required by Ohio law at the main administrative offices of the District.

VI. REPRISAL

Submission of a good faith complaint or report of sexual harassment, or harassment based upon race, color, disability, religion, or national origin will not affect the complainant or reporter's future employment, grades, learning or working environment or work assignments. If an investigation results in a finding that the reporting individual falsely and maliciously accused another of sexual harassment, or harassment based on race, color, national origin, religion, or disability, the reporting individual will be subject to appropriate actions, including the possibility of termination. Other than for false claims, there will be no retaliation against anyone reporting or corroborating claims of sexual harassment or harassment based on race, color, national origin, religion, or disability.

[Adoption date: December 16, 1999]

Legal Reference: U.S.C. sec 791 et seq.; 42 U.S.C. sec. 12131-12134 42 U.S.C. sec. 2000d; 20 U.S.C. sec. 1681 et seq.;