

POLICY: ACAA  
ADOPTED: September 19, 1996  
REVISED: March 18, 2003  
October 19, 2010

## SEXUAL HARASSMENT

All persons associated with the District, including, but not limited to, the Board, the administration, the staff and the students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Sexual harassment, whether verbal or nonverbal, occurring inside or outside of District buildings, on other District-owned property or at school-sponsored social functions/activities, is illegal and unacceptable and will not be tolerated. Any person who engages in sexual harassment while acting as a member of the school community is in violation of this policy.

Definition of Sexual Harassment: Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature may constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or educational development;
2. submission to, or rejection of, such conduct by an individual is used as the basis for employment or education decisions affecting such individual or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive environment.

Examples of sexual harassment-type conduct may include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic verbal commentary relating to an individual's body, sexual prowess or sexual deficiencies; coerced sexual activities; any unwanted physical contact; sexually suggestive or obscene comments or gestures; or displays in the workplace of sexually suggestive or obscene objects or pictures. Whether any act or comment constitutes sexual harassment-type conduct is often dependent on the individual recipient.

The Grievance Officer: The Board directs the Superintendent to appoint one or more sexual harassment grievance officers who are vested with the authority and responsibility for investigating all sexual harassment complaints in accordance with the procedures set forth in the accompanying regulation and staff and student handbooks.

Sexual harassment matters, including the identity of both the charging party and the accused, are kept confidential to the extent possible. Although discipline may be imposed against the accused upon a finding of guilt, retaliation is prohibited.

POLICY: ACAA

The Board has developed complaint procedures which are made available to every member of the school community. The Board has also identified disciplinary penalties which could be imposed on the offenders.

September 10, 1996

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, Title VII; 42 USC 2000e et seq.  
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.  
Executive Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
Ohio Const. Art. I, Section 2

CROSS REFS.: AC, Nondiscrimination  
GBA, Equal Opportunity Employment  
GBD, Board-Staff Communications (Also BG)  
GBH, Staff-Student Relations (Also JM)  
IGDJ, Interscholastic Athletics  
JB, Equal Educational Opportunities  
JFC, Student Conduct (Zero Tolerance)  
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)  
JHG, Reporting Child Abuse  
Staff Handbooks  
Student Handbooks

CONTRACT REFS.: Teachers' Negotiated Agreement  
Support Staff Negotiated Agreement

POLICY: ACAA-R  
ADOPTED: May 2, 1995  
REVISED: September 11, 1996  
October 19, 2010

## SEXUAL HARASSMENT

All sexual harassment complaints are investigated in accordance with the following procedure:

1. Any member of the school community who believes that he/she has been subjected to sexual harassment shall report the incident(s) to the appropriate grievance officer.
2. The grievance officer attempts to resolve the problem through the following process.
  - A. The grievance officer promptly confers with the charging party in order to obtain a clear understanding of that party's statement of the alleged facts. The statement is put in writing by the grievance officer and signed by the charging party as a testament to the statement's accuracy.
  - B. The grievance officer meets with the charged party in order to obtain his/her response to the complaint. The response is put in writing by the grievance officer and signed by the charged party as a testament to the statement's accuracy.
  - C. The grievance officer holds as many meetings with the parties and witnesses (if any) as are necessary to gather facts. The dates of meetings and the facts gathered are all put in writing.
  - D. On the basis of the grievance officer's perception of the problem, he/she will:
    - 1) bring both parties together and attempt to resolve the matter informally through conciliation or
    - 2) formally notify the parties by certified mail of his/her official action relative to the complaint.
3. If either party disagrees with the decision of the grievance officer, he/she may appeal to the Superintendent/designee. After reviewing the record made by the grievance officer, the Superintendent/designee may attempt to gather further evidence necessary to decide the case and to determine appropriate action to be taken. The decision of the Superintendent/designee is final.

If any of the named officials are the charged or charging party, the Board designates an alternate investigator and retains final decision-making authority.

All matters involving sexual harassment complaints remain confidential to the extent possible.

SEXUAL HARASSMENT COMPLAINT FORM

Date of Report \_\_\_\_\_

Employee/Student Name \_\_\_\_\_

Position or Grade \_\_\_\_\_ Building \_\_\_\_\_

Date and Time of Alleged Harassment \_\_\_\_\_

Location of Alleged Harassment \_\_\_\_\_

Name of Alleged Harasser \_\_\_\_\_

Position or Grade \_\_\_\_\_ Building \_\_\_\_\_

Description of the Incident(s) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Witnesses, if any, and Involvement \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Your Reaction \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant \_\_\_\_\_

ADMINISTRATIVE FOLLOW-UP

Date of Investigation \_\_\_\_\_

Investigation Details \_\_\_\_\_

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Action Taken \_\_\_\_\_

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Date of Follow-Up Conference \_\_\_\_\_

Results of the Conference \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Final Report \_\_\_\_\_

Date Copy Sent to Complainant \_\_\_\_\_

Signature of Grievance Officer \_\_\_\_\_

## HAZING AND BULLYING

Hazing means doing any act or coercing another, including the victim, to do any act of intimidation or harassment to any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

Bullying is an intentional written, verbal or physical act that a student has exhibited toward another particular student more than once and the behavior causes both mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student.

The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy prohibiting harassment, intimidation, or bullying. The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members.

Permission, consent or assumption of risk by an individual subjected to hazing and/or bullying does not lessen the prohibition contained in this policy.

Prohibited activities of any type including those activities engaged in via computer and/or electronic communications devices are inconsistent with the educational process and are prohibited at all times. No administrator, teacher or other employee of the District shall encourage, permit, condone or tolerate any hazing and/or bullying activities. No student, including leaders of student organizations, may plan, encourage or engage in any hazing and/or bullying.

Administrators, teachers and all other District employees are particularly alert to possible conditions, circumstances or events that might include hazing and/or bullying. If hazing and/or bullying or planned hazing and/or bullying is discovered, involved students are informed by the discovering District employee of the prohibition contained in this policy and are required to end all hazing and/or bullying activities immediately. All hazing and/or bullying incidents are reported immediately to the Principal/Administrator and the appropriate discipline is administered.

Parents or guardians of any student involved in a prohibited incident will be notified and, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended, have access to any written reports pertaining to the prohibited incident.

The Superintendent/designee must provide the Board President with a semiannual written report of all reported incidents of bullying and post the report on the District's website.

The administration provides training on the District's hazing and bullying policy to District employees and volunteers who have direct contact with students. Additional training is provided to elementary employees in violence and substance abuse prevention and positive youth development.

This policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. Information regarding the policy shall be incorporated into employee training materials.

District employees, students and volunteers are provided with qualified civil immunity for damages arising from reporting an incident of hazing and/or bullying. Administrators, teachers, other employees and students who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State law.

No one shall retaliate against an employee or student because he/she files a grievance or assists or participates in an investigation, proceeding or hearing regarding the charge of hazing and/or bullying of an individual.

LEGAL REFS.: ORC 117.53  
2307.44  
2903.31  
3301.22  
3313.666; 3313.667  
3314.03  
3319.073

CROSS REFS.: AC, Nondiscrimination  
EDE, Computer/Online Services (Acceptable Use and Internet Safety)  
IIBH, District Web Site Publishing  
JFC, Student Conduct (Zero Tolerance)  
JFCEA Gangs  
JFCK, Use of Electronic Communications Equipment by Students  
JHG, Reporting Child Abuse  
Student Handbooks