

SEXUAL HARASSMENT

The Board supports the principle of equal opportunity employment and equal educational opportunities. All persons associated with this District, including, but not limited to, the Board, administration, staff and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. All employees of the District have a right to work in an environment free of discrimination, which encompasses freedom from sexual harassment. Any person who engages in sexual harassment while acting as a member of the school community is in violation of this policy.

The Board opposes sexual harassment in any form and has developed complaint procedures which are available to victims. The Board has also identified disciplinary penalties that could be imposed for offenders.

Definition of Student-on-Student or Employee-on-Student Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that is so severe, pervasive and objectively offensive, and undermines and detracts from the educational experience, that an individual is effectively denied equal access to the District's resources and opportunities.

Definition of Employee-on-Employee Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature 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 educational 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 working or educational environment.

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 procedure set forth in the accompanying regulation and staff and student handbooks.

Sexual 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.

[Adoption date: October 11, 2004]

[Revision date: July 24, 2006]

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; 42 USC 2000e et seq.
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act; 29 USC 206
Immigration Reform and Control Act; 8 USC 1324a et seq.
Ohio Const. Art. I, Section 2

CROSS REFS.: AC, Nondiscrimination
ACA, Nondiscrimination on the Basis of Gender
GBA, Equal Opportunity Employment
IGDJ, Interscholastic Athletics
JB, Equal Educational Opportunities
JFC, Student Conduct (Zero Tolerance)
JFCF, Hazing
JHG, Reporting Child Abuse
Staff Handbooks
Student Handbooks

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

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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.

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 may constitute sexual harassment-type conduct is often dependent on the individual recipient.

2. The grievance officer attempts to resolve the problem through the following process.
 - A. The grievance officer confers with the charging party in order to obtain a clear understanding of that party's statement of the alleged facts.
 - B. The grievance officer meets with the charged party in order to obtain his/her response to the complaint.
 - C. The grievance officer holds as many meetings with the parties as are necessary to gather facts.
 - D. On the basis of the grievance officer's perception of the problem, he/she will:
 - 1) attempt to resolve the matter informally through conciliation or
 - 2) 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 will designate an alternate investigator and retain final decision-making authority.

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

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STAFF-STUDENT RELATIONS

The relationship between the District's staff and students must be one of cooperation, understanding and mutual respect. Staff members have a responsibility to provide an atmosphere conducive to learning and to motivate each student to perform at high levels.

Staff members should strive to secure individual and group discipline, and should be treated with respect by students at all times. By the same token, staff members should extend to students the same respect and courtesy that they, as staff members, have a right to expect.

Although it is desired that staff members have a sincere interest in students as individuals, partiality and the appearance of impropriety must be avoided. Excessive informal and/or social involvement with individual students is prohibited. Such conduct is not compatible with professional ethics and, as such, will not be tolerated.

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines.

1. Staff members should not make derogatory comments to students regarding the school and/or its staff.
2. Staff to student gift giving, while not prohibited, must be limited to appropriate situations and guided by professional judgment.
3. Staff-sponsored parties at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised, are prohibited.
4. Staff members shall not associate with students at any time in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
5. Dating between staff members and students is prohibited.
6. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.

7. Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.

8. Staff members shall not send students on personal errands.
9. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect to the appropriate authorities.
10. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships. Staff members must refer the student to the appropriate individual or agency for assistance.
11. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.
12. Staff shall use professional judgment in all written and verbal communications with students and parents and/or legal guardians.
13. Any claims of harassment must be investigated and followed up per Board policy.

[Adoption Date: October 11, 2004]

CROSS REFS.: ACAA, Sexual Harassment
GBCA, Staff Conflict of Interest
GBCB, Staff Conduct
GBI, Staff Gifts and Solicitations
JHG, Reporting Child Abuse
JO, Student Records
KBA, Public's Right to Know

CONTRACT REFS.: Teacher's Negotiated Agreement
Support Staff Negotiated Agreement