

4. Be aware that if the worker does not wish to conduct the interview in the presence of school personnel that the worker must choose between two options:
 - a. conduct the interview during such time as the student is not subject to the authority of the school, or
 - b. obtain the necessary legal papers to remove the student from school premises and then conduct the interview.

The Department of Children and Family Services may issue a legally binding Emergency Temporary Care Form signed by the worker and his/her supervisor, which is valid for seventy-two (72) hours. After such time, a proper court order is necessary for the agency to retain custody. When the agency takes custody, it is the responsibility of the worker to notify the parent, guardian or legal custodian that it has done so, if possible, before removing the student from the school and to inform the Principal if the parent, guardian or legal custodian has been notified. Principals shall file an Incident Report with the Division of Safety and Security when this happens.

If you have questions call:

The District's Health Services Department – 216.838.0270 or

Cuyahoga County Department of Children and Family Services – 216.696.KIDS.

IX. STUDENT HARASSMENT, INTIMIDATION, AND BULLYING (District Policy JFCF)

Harassment, intimidation or bullying (including cyber bullying) is an intentional written, verbal or physical act that a student has exhibited toward another particular student or school personnel more than once, and such behavior causes mental or physical harm to the other student or school personnel, and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student or school personnel. When these elements are met, a prohibited incident of harassment, intimidation or bullying has occurred. Harassment, intimidation or bullying of any student or school personnel on school property or at school-sponsored events is prohibited.

The law defines “harassment, intimidation or bullying” to be either of the following:

- 1) Any intentional written, verbal, electronic or physical act that a student has exhibited toward another particular student more than once and the behavior both:
 - a) causes mental or physical harm; and

b) is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for other students; or

2) Violence within a dating relationship.

Cyber bullying of students or school personnel at any time and at any location by students is prohibited. Cyber bullying is the use of information and communication technologies such as e-mail, cell phones and pager text messages, instant messaging (IM), defamatory personal web sites and defamatory online personal polling websites to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others. Cyber bullying includes, but is not limited to the following:

- Posting slurs or rumors or other disparaging remarks, making threats of any kind and discussing threats of any kind about a student or school personnel on a web site or web log;
- Sending e-mail or instant messages that are mean or threatening, or so numerous as to drive up the victim's cell phone bill;
- Using a camera phone to take and send embarrassing photographs;
- Posting misleading or fake photographs on websites.

Permission, consent or assumption of risk by an individual subjected to harassment, intimidation 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 harassment, intimidation or bullying activities. No students, including leaders of student organizations, are permitted to plan, encourage or engage in any harassment, intimidation or bullying.

Administrators, teachers and all District employees are particularly alert to possible conditions, circumstances or events that might include hazing or bullying. If harassment, intimidation or bullying or planned harassment, intimidation 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 harassment, intimidation or bullying activities immediately. All student harassment, intimidation or bullying incidents shall be reported immediately to the school principal or other administrator designated by the school principal, and appropriate discipline shall be administered. School personnel are required to report prohibited incidents of which they are aware to the principal or other designated administrator who shall document the report, investigate it, respond as appropriate and develop a strategy for protecting the victim from additional prohibited incidents and from retaliation following a report. An appropriate response could include student disciplinary action under the Student Rights and Responsibilities.

A copy of this policy and an explanation of the seriousness of bullying by electronic means, will appear in future editions of the Code, and be made available to students and their custodial parents or guardians. Once each school year a written statement describing this policy and the consequences for violations thereof shall be sent to each student's custodial parent or guardian. This statement may be sent with student report cards or may be sent electronically. The Chief Executive Officer/designee must provide the Board of Education Chair with a quarterly written report of all reported incidents of harassment, intimidation or bullying and post the report on the District's website to the extent permitted by student privacy and records laws.

The administration provides training on the District's harassment, intimidation or 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, and to middle and high school grade employees in the prevention of violence within a dating relationship.

The District shall provide all students with age-appropriate instruction on this policy, including written or verbal discussions of the consequences for violations of the policy. Custodial parents or guardians of students involved in a prohibited incident will be notified and have access to any written report regarding the incident to the extent permitted by student privacy and records laws. District employees, students and volunteers may have qualified civil immunity for damages arising from reporting an incident of harassment, intimidation or bullying in good faith and in accordance with this policy. 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 and Federal law.

No one is permitted to 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 harassment, intimidation or bullying of an individual. The District shall provide a means by which a person may report an incident anonymously. Students are prohibited from deliberately making false reports of harassment, intimidation or bullying, and any student responsible for deliberately making such a false report may be subject to a full range of disciplinary consequences.

X. SEXUAL HARASSMENT, DISCRIMINATORY HARASSMENT, AND DISCRIMINATION (District Policy AC)

It is the policy of the Cleveland Municipal School District to maintain educational and work environments free from sexual harassment and from discriminatory harassment or discrimination on the basis of any individual's sex, race, ethnicity, citizenship status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law.

This policy applies to all students, applicants, and employees of the Cleveland Municipal School District and extends to educational programs and activities and to employment within the District.

The District prohibits any and all forms of sexual harassment, discriminatory harassment, and discrimination by faculty, staff, students or any person with whom our faculty, staff or students interact in an educational or work environment as defined by this policy.

Any verbal, nonverbal, or physical conduct that discriminates against or harasses, disrupts, or interferes with another's educational or working environment or creates an intimidating, offensive, or hostile educational or working environment, is unacceptable and will not be tolerated.

The District will promptly and equitably investigate all complaints – formal or informal, verbal or written – of sexual harassment, discriminatory harassment or discrimination.

Employees or students who engage in behavior in violation of this policy shall be subject to disciplinary action.

Retaliation is prohibited. No faculty member, staff member, or student may penalize, intimidate, or retaliate against a student or employee because they submit a claim; assist or participates in an investigation, proceeding or hearing regarding a complaint filed pursuant to this policy or because they have opposed conduct in violation of this policy.

A. PROHIBITED CONDUCT

1. Discriminatory Harassment:

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their sex, race, ethnicity, citizenship status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law, and that:

- a. has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment; or
- b. has the purpose or effect of unreasonably interfering with an individual's educational or work performance; or
- c. otherwise adversely affects an individual's educational or employment opportunities.

2. Discrimination:

Any behavior, expression, or activity that stigmatizes or victimizes individuals or groups of people because of their personal attributes, including sex, race, ethnicity, citizenship

status, color, national origin, religion, age, sexual orientation, gender identity or expression, genetic information, military status, disability, or any other characteristic protected by law, and that:

- a. involves an express or implied threat to an individual's educational efforts, participation in school-sponsored extracurricular activities, terms or conditions of employment, or personal safety; or
- b. has the purpose of interfering with an individual's educational efforts, participation in school-sponsored extracurricular activities, terms or conditions of employment, or personal safety; or
- c. creates an intimidating, hostile, demeaning or offensive educational or work environment.

3. Sexual Harassment:

Title IX of the Education Amendments of 1972 prohibit the District from engaging in discrimination on the basis of sex. The District follows the definitions and implementing regulations as provided by the United States Department of Education. District employees with actual knowledge of a student being subject to sexual harassment are required report the conduct to the Title IX Coordinator.

The Chief Executive Officer appoints an individual or individuals to serve as the Title IX Coordinator. The Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities under Title IX, this policy, and applicable state and federal law. This coordination includes assessing and addressing the training needs of District employees.

The Title IX Coordinator is responsible for maintaining sexual harassment procedures and processes for promptly and equitably resolving complaints of violations of this policy and will publish the procedures on the District's website. The sexual harassment procedures and processes may differ from the investigative process identified in this policy based on United States Department of Education regulations. At a minimum, the grievance procedures and processes will include the applicable definitions of prohibited conduct, explain the applicable investigative process, identify the standard of proof against which complaints will be evaluated, and provide any other information required by law.

Complaints may allege sexual harassment as well as other forms of discrimination or discriminatory harassment. In such cases, allegations of sexual harassment will be investigated pursuant to the sexual harassment procedures and allegations related to other forms of discrimination or discriminatory harassment will be investigated in accordance with the investigative process identified in this policy.

Questions regarding the applicability of Title IX, or United States Department of Education's implementing regulations to the District may be directed to the District's Title IX Coordinator, to the Assistant Secretary of the United States Department of Education, or both.

B. REPORTING

The District is committed to resolving complaints of violations of this policy as quickly and efficiently as possible.

Any student or employee who believes they have been subjected to sexual harassment, discriminatory harassment, or discrimination by another person is encouraged, but not required, to notify the offender in an effort to stop the behavior.

If a student or employee believes he/she has been sexually harassed, discriminately harassed, or discriminated against or has knowledge that others have been subjected to such behavior, they should report the incident to the Director of EEO/Title IX Coordinator.

A report can be submitted verbally or in writing.

A written report can be made by completing the Sexual Harassment, Discriminatory Harassment, and/or Discrimination Complaint Form, attached to this policy and available in each school and department or by e-mail or letter submitted to the Director of EEO/Title IX Coordinator. Oral reports shall be considered complaints as well. All complaints shall be handled in accordance with District procedure.

C. INVESTIGATION

Upon receipt of a complaint alleging discrimination or discriminatory harassment, the Director of EEO shall promptly undertake or authorize investigation. That investigation may be conducted by District officials or by a third party designated by the District. Whether a particular incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of this policy, the investigating individual may consider:

- a. the nature of the behavior.
- b. the relationship between the parties involved.
- c. where the harassment occurred.
- d. any past incidents involving the same individuals.
- e. whether the conduct adversely affects the work environment.
- f. the context in which the alleged incidents occurred.

During the course of an investigation under this policy, the investigating individual may conduct interviews with the complainant, alleged victim, alleged offender, any identified witnesses, or any other individuals deemed necessary by the investigating individual, as well as a review of pertinent documents.

An alleged offender will be informed of the allegation(s), the facts surrounding the allegation(s), and will be provided an opportunity to respond to the allegations and to submit evidence in his/her defense for the investigator's consideration.

The District aims to complete all discrimination and discriminatory harassment investigations within 60 calendar days of the initial report. However, there may be some investigations that cannot be completed within 60 calendar days. In such cases, the District will communicate to the complainant that the investigation is going to take longer than 60 calendar days and will indicate when the District believes it will complete the investigation.

After conclusion of the investigative process, the investigating individual shall submit written reports of their conclusions to the Director of EEO. The finding about whether or not there is a violation of this policy will be communicated to the complainant and the alleged offender. However, any sanction imposed will not be communicated with the complainant. Reports to the alleged victim and alleged offender may be conclusory in nature and need not identify witnesses interviewed, statements offered, or evidence collected. The results of the investigation of each complaint filed under these procedures will be reported in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

The District'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.

D. SCHOOL DISTRICT ACTION

If a violation of this policy has occurred, the District will take prompt, appropriate action to address the violation. Appropriate actions related to students may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, expulsion, transfer, or exclusion. Appropriate actions related to employees may include but are not limited to counseling, awareness training, warning, transfer, termination or discharge. District action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, student codes of conduct, state and federal law, and the District's policies on disciplinary action.

The District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligation to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

In the event that the evidence suggests that the violation at issue is also a crime in violation of an Ohio criminal statute, the Director of EEO/Title IX Coordinator shall report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

Copies of all complaints and the investigations conducted pursuant to this policy shall be maintained for a period in accordance with the state statutes of limitations by the Director of EEO/Title IX Coordinator.

E. REPRISAL

Submission of a good faith complaint or report pursuant to this policy will not affect the complainant or reporter's educational or work status, environment or assignments.

Students and employees are prohibited from deliberately making false complaints of sexual harassment, discriminatory harassment, or discrimination. Students and employees found responsible for deliberately making false reports of sexual harassment, discriminatory harassment, or discrimination may be subject to a full range of disciplinary consequences.

Retaliation of any type against any person who reports an alleged violation of this policy, or who testifies, assists, or participates in an investigation or hearing related to such a violation is not tolerated by the District. The District will discipline any student, teacher, administrator or other school personnel who engages in retaliation, including possible termination or expulsion. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

F. ENFORCEMENT

The Chief Executive Officer designates the Director of EEO/Title IX Coordinator as the District personnel with responsibility to identify, prevent, and remedy sexual harassment, discriminatory harassment, and discrimination. This individual shall:

- Receive complaints of sexual harassment, discriminatory harassment, and discrimination
- Oversee the investigative process
- Be responsible for assessing the training needs of the District's staff
- Arrange for necessary training
- Ensure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal employment opportunity

A copy of this policy shall appear in the student and employee handbooks and shall be made available upon request of any employee and other interested parties. This notice shall include the name or title, mailing address, email address, and telephone number of the Director of EEO/Title IX Coordinator, the mailing address and telephone number of the United States Equal Employment Opportunity Commission, and information for accessing this policy online.

The District will develop a method of discussing this policy with employees. Related training will be provided to all administrative personnel and school personnel on an annual basis, and at such other times as the CEO, in consultation with the Director of EEO/Title IX Coordinator, determines is necessary or appropriate.

The CEO or their designee shall report to the Board periodically pursuant to Policy CL-Administrative Reports.

The District's Sexual Harassment (Title IX) grievance procedures may be accessed on the District's website at ClevelandMetroSchools.org under the "Civil Rights Notices" header in the "Parents" section. Hard copies are available at CMSD's Welcome Center located on the first floor at 1111 Superior Avenue East, Cleveland, OH 44114 or by requesting a copy from your building administrator.

Related Contacts:

Director of Equal Employment Opportunity/ Title IX Coordinator
1111 Superior Avenue East, Suite 1800
Cleveland, Ohio 44114
Phone: 216.838.0070
TitleIX_EEO@ClevelandMetroSchools.org

Equal Employment Opportunity Commission
Cleveland Field Office
Anthony J. Celebrezze Federal Building
1240 E 9th Street, Suite 3001
Cleveland, OH 44199
Telephone: 1.800.669.4000

Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Telephone: 216.522.4970

XI. CORPORAL PUNISHMENT, STUDENT RESTRAINT AND SECLUSION

Corporal punishment is defined as inflicting bodily pain upon an individual for the commission or omission of an act. Corporal punishment is prohibited and shall not be used as a form of discipline in the District. The Board expects the administration, faculty and staff to use other forms of discipline, i.e., counseling and referral, including communication and meetings with the parents to promote appropriate, positive behavior.