

POLICY PROHIBITING SEXUAL HARASSMENT,
DISCRIMINATORY HARASSMENT AND DISCRIMINATION

I. GENERAL STATEMENT OF POLICY

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 he/she submits a claim; assists or participates in an investigation, proceeding or hearing regarding a complaint filed pursuant to this policy or because he/she has opposed conduct in violation of this policy.

II. PROHIBITED CONDUCT

a. 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.

b. 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:

- i. Involves an express or implied threat to an individual's educational efforts, participation in school-sponsored extra-curricular activities, terms or conditions of employment, or personal safety; or
- ii. Has the purpose of interfering with an individual's educational efforts, participation in school-sponsored extra-curricular activities, terms or conditions of employment, or personal safety; or
- iii. Creates an intimidating, hostile, demeaning, or offensive educational or work environment.

c. Sexual Harassment:

Title IX of the Education Amendments of 1972 prohibit the District from engaging in discriminating 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(s) 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 / Director of EEO 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 USDOE 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.

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.

III. 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 he/she has 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, he/she is 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.

IV. 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:

- The nature of the behavior
- The relationship between the parties involved
- Where the harassment occurred
- Any past incidents involving the same individuals
- Whether the conduct adversely affects the work environment
- 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 in doing so 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 his/her 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.

V. 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, exclusion, 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 School 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.

VI. 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.

VII. 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;
- Insure 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 also 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 his/her designee shall report to the Board periodically pursuant to Policy CL-Administrative Reports.

LEGAL REFERENCES:

Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, (Amended 1972), 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
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
Rehabilitation Act; 29 USC 794
Individuals with Disabilities Education Act; 20 USC 1400 et seq.
Age Discrimination in Employment Act; 29 USC 623
Immigration Reform and Control Act; 8 USC 1324a et seq.
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
Ohio Const. Art. I, Section 2
ORC Chapter 3323
Chapter 4112
OAC 3301-35-02

THIS IS A REQUIRED POLICY

Adopted:

SEXUAL HARASSMENT, DISCRIMINATORY HARASSMENT,
AND/OR DISCRIMINATION COMPLAINT FORM

Date of Report _____

Complainant Name _____

Home Address _____

Phone Number _____

Position or Grade _____ Building _____

Date and Time of Alleged Violation _____

Location of Alleged Violation _____

Name of Alleged Offender _____

Position or Grade _____ Building _____

If the alleged violation was directed towards another individual, identify that individual:

Type of Alleged Violation (circle at least one):

Sexual Harassment

Discriminatory Harassment

Discrimination

If Discriminatory Harassment or Discrimination, on the basis of which protected classification is the violation alleged to have occurred (circle at least one):

Race

Sex

Ethnicity

Citizenship Status

Color

National Origin

Religion

Age

Sexual Orientation

Gender Identity or Expression

Genetic Information

Military Status

Disability **Other Characteristic Protected by Law (specify):** _____

Name of Witnesses, if any, and Description of Involvement _____

Description of the Incident(s) (attach additional pages, if necessary) _____

Your Reaction _____

This complaint is based upon my honest belief that the above-alleged offender has sexually harassed, discriminately harassed, or discriminated against me or another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Signature of Complainant _____ Date _____

Please Submit Completed Form to the District's Director of EEO / Title IX Coordinator