

Book	Policy Manual
Section	Section A: Foundations And Basic Commitments
Title	Nondiscrimination (Anti-Harassment) (Discrimination, Harassment, Retaliation)
Code	AC-R
Status	Active

**Nondiscrimination**  
**(Anti-Harassment)**  
**(Discrimination, Harassment, Retaliation)**

**1. Policy Statement**

The District is committed to maintaining a healthy and safe educational and working environment that is free from discrimination, harassment, or retaliation. This commitment applies to all school District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful discrimination, harassment, or retaliation. This policy applies to conduct occurring on school property, at another location if such conduct occurs during an activity sponsored by the Board, or that effects the educational or working environment of a District student, employee or vendor.

The Board will vigorously enforce its prohibition against discrimination, harassment, and/or retaliation based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age (except as authorized by law), religion, ancestry, military status, genetic information or any other class protected by law (collectively, “Protected Classes”) (hereinafter referred to as unlawful harassment). Any violation of this policy is strictly prohibited and will not be tolerated.

For purposes of this policy, “School District Community” means students, administrators, and professional and classified staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board. For purposes of this policy, “third parties” include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the school District community at school-related events/activities (whether on or off District property).

This policy is designed to comply with applicable State and Federal laws. The District reserves the right to modify or deviate from this policy when, in the sole judgment of the District, circumstances warrant, in order to protect the rights of the involved parties, or to comply with the law.

**2. Definitions**

- A. Discrimination: Conduct that is based on a person’s protected class that:
  - i. Adversely affects a term or condition of a person’s employment, education, or participation in a District activity or

- ii. Is used as a basis for or a motivating factor in decisions affecting the person's employment, education or participation in a District activity.
- B. Harassment: Conduct that is based on a person's protected class that has the purpose or effect of unreasonably interfering with a person's employment or educational experience or creates an intimidating, hostile, offensive working, or educational environment.
- C. Sexual Harassment: Pursuant to Title IX of the Education Amendments of 1972, conduct that is based on a person's sex/gender (including sexual violence, dating violence and sexual misconduct), sexual orientation, gender non-conformity, gender identity, or pregnancy that has the purpose or effect of unreasonably interfering with a person's employment or educational experience or creates an intimidating, hostile, offensive working, or educational environment.

Examples of conduct that maybe prohibited include, but are by no means limited to:

- i. Denying a person access to an educational program based on the person's sex/gender, including sexual orientation or gender identity.
- ii. Denying salary increases and/or promotions on the basis of the person's sex/gender, including sexual orientation, or gender identity.
- iii. Instigating or perpetuating an environment that is unwelcome or hostile based on a person's sex, sexual orientation, or gender identity.
- iv. Subjecting a person to offensive and unwelcome conduct based on the person's sex, sexual orientation, or gender identity. Offensive and unwanted conduct can include offensive jokes, offensive pictures and digital images, slurs, epithets, threats, intimidation, stalking, and unwanted sexual conduct or contact (including rape, sexual assault, sexual battery, or nonconsensual touching).
- v. Basing decisions about employment or educational opportunities on a person's acceptance or rejection of a sexual advance, sexual imposition or request for sexual favors.

The more severe the conduct the less need there is to show a repetitive series of incidents to demonstrate a hostile environment. In fact, a single severe incident may be sufficient to create a hostile environment.

- D. Retaliation: Retaliation against any person(s) who reports an alleged violation of this policy, brings a disciplinary complaint, pursues legal action, or participates in an investigation or is a witness in any investigation or proceeding is strictly prohibited and will not be tolerated.

**NOTE:** Sexual conduct/relationships with students by District employees or any other adult member of the school District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in Ohio Revised Code (RC) 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the school District community.

The prohibition against harassment, discrimination, or retaliation is publicized in student handbooks and in the publications that set the standard of conduct for schools and students in the



District. In addition, information regarding the policy is incorporated into employee handbooks and training materials.

### **3. Reporting and Complaint Procedures**

#### **A. Complaints**

Any school District community member who believes he/she has been subjected to a violation of this policy is encouraged to report the incident to the compliance officer. Reports may be made by the individual than the compliance officer, such person is required to report the information to the compliance officer within 24 hours of receiving the information about the alleged incident.

There are no time limits for initiating complaints of violations of this policy. Individuals should, however, make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

**For Complaints regarding sexual harassment follow the process described in policies ACAA and ACAA-R.**

#### **B. Confidentiality**

The District will preserve confidentiality to the extent possible and allowed by law. Upon the compliance officer's receipt of a complaint, the reporter may request confidentiality. The District takes such requests seriously; however, such requests may severely limit the District's ability to investigate and take reasonable action in response to the report. In such cases, the compliance officer will evaluate the request for confidentiality in the context of the District's commitment to providing a reasonably safe and non-discriminatory environment and its legal requirements under State and Federal law.

#### **C. False Complaints**

The District encourages all school District community members to report violations to the compliance officer. However, in compliance with RC 3313.666, students are prohibited from knowingly and deliberately making false complaints of harassment, intimidation or bullying. Students found responsible for deliberately making false reports of harassment, intimidation or bullying may be subject to a full range of disciplinary consequences.

### **4. Compliance Officer**

The compliance officer can be reached at: [ComplianceOfficer@green.k12.oh.us](mailto:ComplianceOfficer@green.k12.oh.us). The compliance officer full contact information can be obtained on the District's website at: [www.green.k12.oh.us](http://www.green.k12.oh.us).

### **5. The Procedure**

This procedure is adopted by the District to ensure a prompt and equitable resolution of discrimination, harassment, and retaliation complaints based on a protected class.

- A. **Intake Meeting with the Complainant.** Upon receipt of notice of any violation, the compliance officer will first schedule an individual intake meeting with the complainant in order to provide to the complainant a general understanding of this process and to identify support or immediate interventions available to the complainant. The intake meeting may also involve a discussion of any interim measures. (See Section 9)

- B. Formal or Informal Resolution. At the initial intake meeting with the complainant, the compliance officer will gather basic information about the alleged incident and seek to determine how the complainant wishes to proceed, (e.g., whether the complainant wishes to pursue formal resolution or informal resolution). If the complainant wishes to proceed with either formal or informal resolution, the compliance officer will determine the name of the accused, the nature of the complaint, and will schedule an individual intake meeting with the accused in order to provide to the accused with a general understanding of this process. If the complainant wishes to proceed with formal resolution, the compliance officer will promptly begin a formal investigation.
- C. Informal Resolution Process. While there are no set time limits within which an informal complaint must be resolved, the compliance officer/designee will exercise his/her authority to attempt to resolve all informal complaints within 15 business days of receiving the informal complaint.
- i. Parties who are dissatisfied with the results of the informal resolution process may proceed to file a formal complaint. Parties may request that the informal process be terminated at any time to move to the formal complaint process.
  - ii. The compliance officer reserves the right to insist a complaint be referred to the formal investigation process. All complaints involving violence will be referred to the formal resolution process.
  - iii. The informal resolution process is strictly voluntary and is not a prerequisite to filing a formal complaint.
- D. Formal Resolution Process. After receipt of a formal complaint, the compliance officer will begin a formal investigation.
- i. The investigation normally will include:
    - a. interviewing the complainant;
    - b. interviewing the respondent;
    - c. interviewing any other witnesses; and
    - d. consideration of any documents or other information presented by both parties.
  - ii. Throughout the investigation process, the parties, to the extent permitted by law, will have equal opportunity to present relevant witnesses and other evidence.
  - iii. If the accused is a student, the parents or guardians of the accused student will be notified.
  - iv. At the conclusion of the investigation, the compliance officer/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definitions provided in this policy. The compliance officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.



- v. In determining if violation of this Anti-Harassment policy occurred, a preponderance of evidence standard will be used.
- vi. The Superintendent must either issue a final decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent's final written decision will be delivered to both the complainant and the respondent. If the Superintendent requests additional investigation, the Superintendent must specify the need, and such additional investigation must be completed promptly. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.
- vii. The decision of the Superintendent shall be final.
- viii. The Board reserves the right to investigate and resolve a complaint alleging a violation of this policy regardless of whether the individual alleging the violation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board/designee.

The informal and formal procedures are not intended to interfere with the rights of complainants to pursue any federal or state administrative remedy. Nothing prevents a complainant from simultaneously filing a complaint with the compliance officer and the Department of Education, Officer of Civil Rights and/or law enforcement. The District must also investigate incidents of discrimination, harassment, or retaliation for the purpose of determining whether there has been a violation of District policy, even if law enforcement and/or the public children's services are also investigating. All District personnel must cooperate with investigations by outside agencies.

**Timeline.** The District is committed to addressing all complaints in a prompt and equitable manner. Upon receipt of a complaint, the compliance officer will generally conduct its initial review and assessment within one to three days, the formal investigation within 15 school days, and the Superintendent's review within 10 school days of receipt of the recommendation from the compliance officer. These timelines may be extended based upon the complexity, severity and extent of the misconduct or for good cause. The timelines may also be affected by the fall, spring or summer break periods.

## **6. Interests of the Accused**

It must be recognized that the accused person in an investigation has legal and other rights, and that complaints in which each of the parties are members of the District are the most ethically and legally complex. A presumption of culpability should not be made as the result of any allegations. The accused is entitled to the same information as the complainant. If the accused is a student, to the extent permitted by law, the student's parent will be notified and have access to written reports.

## **7. Retaliation**

Any retaliatory action or conduct taken by any person against a person who has sought relief under this policy is strictly prohibited and will be regarded as a violation of this policy. This prohibition of retaliation similarly extends to anyone who has testified, assisted, participated or cooperated in any manner in an investigation, proceeding or hearing related to a complaint under this policy.

## **8. Disciplinary Sanctions**

- A. Students.** Sanctions against a student who has violated this policy include discipline, counseling, training, suspension, dismissal, expulsion after a Board hearing, educational intervention, and restrictions from participating in extracurricular activities, and varies depending on the severity of the violation and the accused's behavioral history.
- B. Employees.** Sanctions against a District employee who has violated this policy include discipline up to and including termination, and varies depending on the severity of the violation and the specific nature of the accused's conduct.

## **9. Resources and Support Services**

District provides a number of support services, upon request, to students/employees who have been the subjects of any alleged violation of this policy. Students may request support services, such as changing academic, working, and transportation circumstances, from the compliance officer. The decision whether and what support measures to provide is at the discretion of the compliance officer. No investigation need occur before this option is available. The compliance officer will exercise discretion and sensitivity about sharing the identity of the subject when arranging for support services. The subject of the alleged violation can request these services at any time, even if the student/employee initially declined the service.

- A.** Interim measures include, but are not limited to:
  - i. changing class assignments so that the parties do not share the same classes (available to employees and students);
  - ii. providing academic support services including tutoring;
  - iii. changing the work situation, if authorized under the CBA;
  - iv. adjusting transportation/parking options;
  - v. prohibiting any contact between the parties;
  - vi. assisting the student/employee in contacting a support person such as a friend or parent if desired and/or
  - vii. assisting in identifying counseling, advocacy and other support services. To access support services, contact the compliance officer. The compliance officer is available during regular business hours throughout the year to meet with students/employees who need information or guidance about violations of this policy.

### **B. Teachers and Other School Staff**

In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of discrimination, harassment, or retaliation in other interactions with students. School personnel may find opportunities to educate students about discrimination, harassment, and retaliation and help eliminate such prohibited behaviors through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of discrimination, harassment, or retaliation. This



intervention does not alleviate an individual's duty to report such situations to the compliance officer.

#### C. District Responsibilities

The District will take steps to prevent the recurrence of discrimination, harassment and retaliation based on protected classes and will remedy the discriminatory effects on the complainant and others, where appropriate. In compliance with applicable law, allegations of criminal misconduct are reported to law enforcement, and suspected child abuse is reported to Child Protective Services, or other law enforcement entities, per required time lines.

#### D. Prevention and Programing

The District provides its students with education on dating violence prevention. This instruction includes recognizing warning signs of dating violence and the characteristics of healthy relationships. All students enrolled in the District will annually be provided with age-appropriate instruction, as determined by the Board, on the Board's policy, including a written or verbal discussion of the consequences for violations of this policy.

Prohibited activities of any type, including those activities engaged in via computer and/or electronic communications devices or electronic means, are inconsistent with the educational process and are prohibited at all times. The

District educates minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

No administrator, teacher or other employee of the District shall encourage, permit, condone or tolerate any violation of this policy. No students, including leaders of student organizations, are permitted to plan, encourage or engage in any unlawful harassment.

The compliance officer provides training on the District's Anti-Harassment 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.

The Superintendent/designee must provide the Board President with a semiannual written summary of all reported incidents and to the extent permitted by law, post the summary on the District's website.