

NONDISCRIMINATION

The Board will not permit discriminatory practices. To ensure compliance with this policy, the Board will:

1. promote the rights and responsibilities of individuals as set forth in the State and U.S. Constitutions, pertinent legislation and applicable judicial interpretations;
2. encourage positive experiences for children, youth and adults;
3. work toward a more integrated society and enlist the support of individuals, as well as private and governmental groups and agencies, in such effort;
4. use communication and action techniques to avoid grievances of individuals and groups;
5. consider the potential benefits or adverse consequences which the Board's decisions might have on the human relations aspects of the school community and
6. initiate a process of reviewing policies and practices of the District in order to ensure that nondiscrimination is achieved and maintained.

The Board's policy of nondiscrimination will extend to students, staff, job applicants, the general public and individuals with whom it does business and will apply to race, color, national origin, citizenship status, religion, sex, economic status, age, handicap and other human differences.

The Board does not permit discriminatory practices and views harassment as a form of discrimination. Harassment is defined as intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation; or the use of language, conduct or symbols in such a manner as to be commonly understood to convey hatred, contempt or prejudice or to have the effect of insulting or stigmatizing an individual.

Employees or students who engage in discrimination/harassment of another employee or student shall be subject to disciplinary action.

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

No one shall retaliate against an employee or student because he/she files a grievance; assists or participates in an investigation, proceeding or hearing regarding the charge of discrimination of an individual; or because he/she has opposed language or conduct that violates this policy.

It is also the policy of the Board of Education to give fair and equal consideration to all applicants in the placement of students, and the recruitment and employment of new employees; furthermore, this same fair and equal consideration will be the policy with regard to compensation, benefits, training, any monetary or other assistance social and recreational programs and opportunity for advancement.

[Adoption date: May 9, 1994]
[Re-adoption date: November 11, 1999]

LEGAL REFS.: Civil Rights Act of 1964, Title VI
Civil Rights Act of 1964, Title VII, as amended by the Equal Employment
Opportunity Act of 1972
Education Amendments of 1972, Title IX, Pub. L. No. 92-318 (1972)
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Rehabilitation Act of 1973, § 504
Education for All Handicapped Children Act of 1975
Age Discrimination in Employment Law Act of 1967, Pub L. No. 95-256
(1967)
Ohio CONST. art. I, § 2
ORC 3323.01
3327.01, et seq.
Chapter 4112
OAC 3301-35-02(A-1); 3301-35-03(A)
Immigration Reform and Control Act of 1986, Pub. L. No. 99-603 (1986)
42 USC 12112, et seq.

CROSS REFS.: ACA, Nondiscrimination on the Basis of Sex
ACB, Nondiscrimination on the Basis of Handicap
GBA, Equal Opportunity Employment
GBO, Verification of Employment Eligibility
JB, Equal Educational Opportunities

NONDISCRIMINATION ON THE BASIS OF SEX

The U.S. Department of Education has published regulations for implementing Title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally assisted education programs.

Title IX states, in part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

The Board hereby states its intention to ensure compliance with Title IX of the Education Amendments of 1972, as affected by Title VI of the Civil Rights Act of 1964, and the regulations promulgated through the U.S. Department of Education.

[Adoption date: May 9, 1994]

LEGAL REFS.: Civil Rights Act of 1964, Title VI
Civil Rights Act of 1964, Title VII, as amended by the Equal Employment
Opportunity Act of 1972
Education Amendments of 1972, Title IX, Pub. L. No. 92-318 (1972)
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Ohio CONST. art. I, § 2
ORC Chapter 4112
OAC 3301-35-03(A)

CROSS REFS.: AC, Nondiscrimination
ACB, Nondiscrimination on the Basis of Handicap
GBA, Equal Opportunity Employment
JB, Equal Educational Opportunities

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.

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.

[Adoption date: May 9, 1994]

[Re-adoption date: August 17, 1999]

[Re-adoption date: July 10, 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 Sex
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 REF.: Teachers' Negotiated Agreement

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.

(Approval date: May 9, 1994)
(Re-approval date: July 10, 2006)

NONDISCRIMINATION ON THE BASIS OF HANDICAP

The District is the recipient of federal funds and must comply with the requirements of federal law; furthermore, the Board maintains that discrimination against a qualified disabled person solely on the basis of disability is unfair. To the extent possible, qualified disability persons should be in the mainstream of life in a school community.

Accordingly, employees of the District will comply with the law and Board policy to ensure nondiscrimination on the basis of disability. The following will be expected:

1. No one will discriminate against qualified disabled persons in any aspect of school employment solely on the basis of disability.
2. Facilities, programs and activities will be made available to qualified disabled persons.
3. Free, appropriate education at elementary and secondary levels, including nonacademic and extracurricular services and activities will be provided to qualified disabled persons.
4. No one will exclude any qualified disabled person, solely on the basis of disability, from participation in any preschool education, day care, adult education or vocational education program.
5. Each qualified disabled person will be provided with the same health, welfare and other social services which are provided to others.

[Adoption date: May 9, 1994]

[Re-adoption date: August 17, 1999]

LEGAL REFS.: Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142 (1975)
Rehabilitation Act of 1973, § 504
ORC 3323.01, et seq.
Chapter 4112
42 USC 12112, et seq.

CROSS REFS.: AC, Nondiscrimination
ACA, Nondiscrimination on the Basis of Sex
AE, School District Goals and Objectives
GBA, Equal Opportunity Employment
IGBA, Programs for Handicapped Students
JB, Equal Educational Opportunities