

1662 - ANTI-HARASSMENT

"Sexual Harassment" has the same definition as set forth in the policy of the Board as reflective of the definition set forth in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Ohio Revised Code 4112.02.

Prohibited Behavior

- A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. Verbal:

The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. Nonverbal:

Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. Physical Contact:

Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, touching any erogenous zone as defined by ORC 2907.01 (thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person), or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties. With respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by District employees or other adult members of the School District community.

- B. Conduct constituting harassment on the basis of race, color, national origin, disability, age, religion, ancestry, or genetic information may take different forms, including, but not limited to, the following:

1. Verbal:

The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

2. Nonverbal:

Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

3. Physical:

Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, disability, age, religious beliefs, ancestry, or genetic information.

C. Examples of inappropriate boundary invasions include, but are not limited to the following:

1. hugging, kissing, or other physical contact with a student
2. telling sexual jokes to students
3. engaging in talk containing sexual innuendo or banter with students
4. talking about sexual topics that are not related to curriculum
5. showing pornography to a student
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")
7. initiating or extending contact with students beyond the school day for personal purposes
8. using e-mail, text-messaging, websites or other social media services to discuss personal topics or interests with students
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
11. going to a student's home for non-educational purposes
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)
13. giving gifts or money to a student for no legitimate educational purpose
14. accepting gifts or money from a student for no legitimate educational purpose
15. being overly "touchy" with students
16. favoring certain students by inviting them to come to the classroom at non-class times
17. getting a student out of class to visit with the staff member
18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family)

relationships, etc.), unless properly licensed and authorized to do so

19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)
20. being alone with a student behind closed doors without a legitimate educational purpose
21. telling a student "secrets" and having "secrets" with a student
22. lap sitting

Investigation and Complaint Procedure

In determining whether alleged conduct constitutes a violation of Policy 1662, the following factors may be considered:

- A. the nature of the behavior;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior;
- D. the relationship between the parties involved;
- E. the race, national origin, sex (including sexual orientation and transgender identity), disability, age, religious beliefs and ancestry of the victim, and in the case of genetic information harassment, the genetic information of the employee victim;
- F. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;
- G. the number of alleged harasser(s);
- H. the age of the alleged harasser(s);
- I. where the harassment occurred;
- J. whether there have been other incidents in the school involving the same or other individuals;
- K. whether the conduct adversely affected the person's work or education performance or environment;
- L. the context in which the alleged incidents occurred;
- M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and
- N. whether a particular action or incident constitutes a violation of Policy 1662 requires a determination based on all the facts and surrounding circumstances.

Content of Compliance Officer's Written Report to the Superintendent

The Compliance Officer's or designee's written report to the Superintendent should contain the following information/documentation:

- A. name of the alleged victim, and any pertinent information concerning the individual as it relates to the Protected Class(es) involved in the alleged misconduct (e.g., the individual's race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, ancestry or genetic information), and the same information concerning the person who reported the alleged misconduct (if the reporter was not the alleged victim);
- B. the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;
- C. the name of all persons alleged to have committed the alleged unlawful harassment or retaliation, if known, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;
- D. the names of all known witnesses to the alleged incident, and relevant information concerning them as it relates to the Protected Class(es) involved in the alleged misconduct;
- E. any written statements prepared by or on behalf of the reporter, the alleged victim (if different), the accused individuals, and any known witnesses;
- F. the outcome of the investigation; and
- G. the response of school personnel, and, if applicable, District-level officials, including the date any incident was reported to local law enforcement or children services.