

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Nondiscrimination
Code	AC
Status	Active
Adopted	September 20, 2001
Last Revised	September 16, 2021
Prior Revised Dates	10/21/2004, 07/27/2007, 02/19/2009, 08/18/2011, 01/12/2017, 11/19/2020

Nondiscrimination

The Board is committed to an environment in which all individuals, including students, staff, job applicants, the general public and individuals with whom it does business, are treated with dignity and respect. The Board prohibits discrimination based on race, color, national origin, ancestry, citizenship status, religion, sex, economic status, age, disability, military status or legally acquired genetic information.

District Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's compliance officer:

Title: Assistant Superintendent
 Address: 815 N. Ella Street, Orrville, OH 44667
 Phone number: (330) 682-5811
 Email: orvl_blanz@tccsa.net

The name, title, and contact information of this individual is annually published in District handbooks and on the District website.

The compliance officer is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including, but not limited to, Title II of the Americans with Disabilities Act, Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination in Employment Act of 1975.

The compliance officer is responsible for addressing any inquiries or complaints regarding discrimination or retaliation in a prompt and equitable manner.

Reports and Complaints of Unlawful Discrimination/Harassment

Individuals who feel they have been subjected to unlawful discrimination or retaliation may file a complaint, either orally or in writing, with the compliance officer or an administrator, supervisor or other district-level administrator. Employees are required to promptly report to the compliance officer or an administrator, supervisor or other district-level administrator when they become aware of incidents of unlawful discrimination or retaliation. All other persons associated with the District are encouraged to promptly report when they become aware of such incidents. Any administrator, supervisor or district-level administrator who receives such a complaint must forward it to the compliance officer.

The Board has developed complaint procedures, which are made available to every member of the school community. The complaint procedures are not intended to interfere with the rights of any individual to pursue action through State and/or Federal law, contact law enforcement, or file a complaint with the United States Department of Education, Office of Civil Rights, the Ohio Civil Rights Commission or the Equal Employment Opportunity Commission.

The Board has adopted separate policies and procedures for sexual harassment, including the identification of the Title IX Coordinator. All sexual harassment reports must be managed in accordance with the sexual harassment policy and procedure.

Interim Measures and Responsive Action

Upon receiving a complaint, the compliance officer will consider whether any interim measures should be taken to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter discrimination.

The District shall enforce its prohibitions against unlawful discrimination by taking responsive action reasonably calculated to stop and prevent further misconduct. Employees or students who engage in unlawful discrimination or retaliation may be subject to disciplinary action. The Board has identified disciplinary penalties, which may be imposed on the offender(s).

Confidentiality

Matters, including the identity of both the reporting party and the responding party, are kept confidential to the extent possible.

Retaliation

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. Any administrator, supervisor or district-level administrator who is aware of such retaliation shall forward it to the compliance officer. Reported acts of retaliation will be promptly investigated and addressed.

CROSS REFS.: Staff Handbooks
Student Handbooks

Legal

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; 20 USC 1681 et seq.
Executive Order 11246, 1965, 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; 42 USC 12101 et seq.
Ohio Constitution Art. I, Section 2
ORC Chapter 3323
ORC Chapter 4112
OAC 3301-35-02
CONTRACT REF.: Teachers' Negotiated Agreement
CONTRACT REF.: Classified Staff Negotiated Agreement

Cross References

ACA - Nondiscrimination on the Basis of Sex

ACAA - Sexual Harassment

ACB - Nondiscrimination on the Basis of Disability

EDE - Computer/Online Services (Acceptable Use and Internet Safety)

GBA - Equal Opportunity Employment

IGAB - Human Relations Education

IGBA - Programs for Students with Disabilities

JB - Equal Educational Opportunities

JFC - Student Conduct (Zero Tolerance)

JFCEA - Gangs

JFCF - Hazing and Bullying (Harassment, Intimidation, and Dating Violence)

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Nondiscrimination/Harassment
Code	AC-R
Status	Active
Adopted	July 27, 2007
Last Revised	September 16, 2021

Discrimination Complaint Procedure

Initiating a Complaint

Individuals who feel they have been subjected to unlawful discrimination or retaliation may file a complaint, either orally or in writing, with the compliance officer or an administrator, supervisor or other District-level administrator. Employees are required to promptly report to the compliance officer or an administrator, supervisor or other District-level administrator when they become aware of incidents of unlawful discrimination or retaliation. All other persons associated with the District are encouraged to promptly report when they become aware of such incidents. Any administrator, supervisor or District-level administrator who receives such a complaint must forward it to the compliance officer. If the compliance officer is the subject of the complaint, an individual may file a complaint with the Superintendent, who shall assume the role of compliance officer for such complaints. If the Superintendent is the subject of the complaint, the complaint should be referred to the Board President.

The Board has adopted separate policies and procedures for sexual harassment. All sexual harassment reports must be managed in accordance with the sexual harassment policy and procedure.

Interim Measures

Upon receiving a complaint, the compliance officer will consider whether any interim measures should be taken to restore or preserve equal access to the District's education program or activity, including measures designed to protect the safety of all parties or the District's educational environment, or deter discrimination. The compliance officer should consider the complainant's wishes with respect to interim measures, but may move forward with any interim measures deemed appropriate.

Investigating a Complaint

The compliance officer shall investigate the complaint to determine whether the complainant has been subjected to unlawful discrimination or retaliation. The investigation may include individual interviews with the parties involved, interviews with individuals who may have observed the alleged conduct or may have other relevant knowledge, and consideration of any documentation or other information presented by the parties or other individuals who may have observed the alleged conduct or may have other relevant knowledge. The respondent will be provided an opportunity to respond to the allegations during the investigative process and before any determinations are made.

The District may refer the investigation to a third party.

At the conclusion of the investigation, the compliance officer shall review the merits of the complaint, summarize the relevant evidence, and prepare and deliver a written report to the complainant and respondent that outlines whether the complainant has been subjected to unlawful discrimination or retaliation. The compliance officer may consult with the Board's legal counsel prior to finalizing the report.

The report is final and binding.

Informal Resolution

At any time during complaint procedure and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process that does not involve a full investigation and determination of responsibility provided that

the District obtains the parties' voluntary, written consent to the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the complaint procedure at the point they left off.

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Nondiscrimination/Harassment
Code	AC-R-1
Status	Active
Adopted	July 27, 2007

Nondiscrimination/Harassment

Summary of Duties – Harassment Complaint Coordinator

The Director of Student Services is designated, under the Board's Anti-Harassment Policy, as the Complaint Coordinator who is charged with the following responsibilities:

1. Receiving reports or complaints of sexual harassment, and harassment based on race, color, religion, national origin or disability and delegating investigative responsibilities.
2. Oversight of the investigation process.
3. If the complaint involves adult members of the school community, offer the informal complaint procedure to the parties. Oral complaints will be reduced to writing and the Complainant will be asked to verify the accuracy of the report by signing the document. The Coordinator will, if requested, facilitate a meeting between the Complainant and the alleged harasser (Respondent) to facilitate a resolution of the concerns. If the outcome of the informal process is unsatisfactory, the Complainant is free to file a formal complaint which must be fully investigated.

Informal procedures may not be applied to harassment and discrimination complaints involving students, repeat adult offenders or if the allegations relate to threats to the safety of any individual.

4. Providing training for Investigators, personnel and students to ensure compliance with the Board's Anti-Harassment policy.
5. Recommending prompt, effective and adequate discipline or other remedies when harassment is substantiated.
6. Taking prompt, effective and adequate action to remedy the damaging effects of discrimination, including protection of the complainant/victim during the course of an investigation. Remedial measures must not place limitations upon or punish the individual who filed a complaint.
7. Participating in a follow-up investigation if new and/or continuing conduct is alleged and determine the effectiveness of the District's responses to substantiated incidents of harassment.
8. Distributing the Anti-Harassment policy to all employees, students, parents and other interested parties.
9. Reviewing the policy and guidelines annually for compliance with State and Federal law.
10. Contacting local law enforcement and/or the Children's Services Bureau, when appropriate, and recommending or providing counseling or other necessary services to a student victim of harassment.
11. Issuing a final decision within 10 business days after receiving and reviewing the Investigator's report. If the Coordinator determines additional investigation is needed, he/she will specify what additional information is needed and ensure that such investigation is completed within 10 additional business days. A copy of the Coordinator's final decision will be delivered to the Complainant and Respondent and/or the parents of the Complainant and Respondent.
12. Upon receipt of an appeal of his/her decision, the Coordinator will schedule a hearing before the Board, in executive session at its next regularly scheduled meeting, to review the complaint and the summary of the investigation. Following the meeting, the Board will issue a decision affirming, modifying, or rejecting the Coordinator's decision.

13. Notifying a Complainant who is dissatisfied with the decision of the Board that he or she may pursue a complaint with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission or the courts.
14. Conducting one or more follow-up interviews with the Complainant to ensure that the offending behavior(s) was extinguished. Provide the Complainant with written instruction to immediately report any further occurrences of harassing conduct.

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Discrimination/harassment Complaint Form
Code	AC – E
Status	Active

Discrimination/Harassment Complaint Form

AC-E.pdf (72 KB)

DISCRIMINATION/HARASSMENT COMPLAINT FORM

Name of person filing this complaint: _____

Address: _____
(Street) (City) (Zip)

Telephone: _____
(Home) (Work) (Cell)

Position of person filing complaint: _____ Student _____ Employee
_____ Parent _____ Other (Specify)

Name and position of person allegedly discriminated against/harassed (if other than person filing complaint)

Name: _____ Position: _____

Specify the type of discrimination/harassment alleged (racial, religion, national origin, gender, disability):

Describe the incident or incidents of alleged discrimination/harassment including date, time of day and location of each incident:

Identify any person involved in the incident or whom you believe was responsible for the incident:

Identify any person you believe was or could have been a witness to the incident:

If you wish, please describe any corrective action you would like taken:

Signature of person filing complaint: _____

Date complaint filed: _____

Signature of person receiving complaint: _____

Date complaint received: _____

If you need assistance completing this form or filing this complaint, please request assistance from:

David P. Dunn, Director of Student Services
Orrville City School District
815 North Ella Street
Orrville, OH 44667
330-682-4816

OR

Any teacher or administrator employed by the Orrville City School District, as selected by the person filing the complaint.

INSTRUCTIONS FOR PERSONNEL RECEIVING A COMPLAINT:

The person receiving the complaint will sign and date the complaint. A copy of the complaint will be returned to the Complainant. The original complaint will be sent to the Director of Student Services. If an administrator employed by the District is identified as a person involved in or responsible for the incident of alleged harassment/discrimination, the person receiving the complaint will return the original complaint form to the Office of the Superintendent for further processing.

Harassment/Discrimination Complaint Form

Approved: May , 2006

[This complaint form will be readily available in all school buildings and at the Board Office]

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Nondiscrimination on the Basis of Sex
Code	ACA
Status	Active
Adopted	September 20, 2001
Last Revised	November 19, 2020
Prior Revised Dates	10/21/2004, 05/18/2006, 01/12/2017, 11/16/2017

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 ensures compliance with Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964 and the regulations promulgated through the U.S. Department of Education.

CROSS REFS.: Staff Handbooks
Student Handbooks

Legal

- 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; 20 USC 1681 et seq.
- Executive Order 11246, 1965, amended by Executive Order 11375
- Equal Pay Act; 29 USC 206
- Ohio Constitution Art. I, Section 2
- ORC Chapter 4112
- CONTRACT REF.: Teachers' Negotiated Agreement
- CONTRACT REF.: Classified Staff Negotiated Agreement

Cross References

- AC - Nondiscrimination
- ACAA - Sexual Harassment
- ACB - Nondiscrimination on the Basis of Disability
- GBA - Equal Opportunity Employment
- IGDJ - Interscholastic Athletics
- IIAA - Textbook Selection and Adoption
- JB - Equal Educational Opportunities
- JFC - Student Conduct (Zero Tolerance)
- JFCF - Hazing and Bullying (Harassment, Intimidation, and Dating Violence)

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Sexual Harassment
Code	ACAA
Status	Active
Adopted	September 20, 2001
Last Revised	November 19, 2020
Prior Revised Dates	10/21/2004, 05/18/2006, 01/12/2017, 11/16/2017

Sexual Harassment

The District does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. The District is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: Assistant Superintendent
Office address: 815 N. Ella Street, Orrville, OH 44667
Email: orvl_blanz@tccsa.net
Phone number: (330) 682-5811

Any person may report sex discrimination, including sexual harassment, at any time, including during non-business hours. Such a report may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District's education program or activity or
3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30).

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination process for investigation.

Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator's contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in the accompanying regulation. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

CROSS REFS.: Staff Handbooks
Student Handbooks

Legal

- 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; 20 USC 1681 et seq.
- Executive Order 11246, 1965, amended by Executive Order 11375
- Equal Pay Act; 29 USC 206
- Ohio Constitution Art. I, Section 2
- ORC Chapter 4112
- 34 CFR 106
- CONTRACT REF.: Teachers' Negotiated Agreement
- CONTRACT REF.: Classified Staff Negotiated Agreement

Cross References

AC - Nondiscrimination
GBA - Equal Opportunity Employment
GBD (Also BG) - Board-Staff Communications
GBH (Also JM) - Staff-Student Relations
GCPD - Suspension and Termination of Professional Staff Members
GDPD - Suspension, Demotion and Termination of Classified Staff Members
IGDJ - Interscholastic Athletics
JB - Equal Educational Opportunities
JEGA - Permanent Exclusion
JFC - Student Conduct (Zero Tolerance)
JFCF - Hazing and Bullying (Harassment, Intimidation, and Dating Violence)
JG - Student Discipline
JGD - Student Suspension
JGE - Student Expulsion
JHG - Reporting Child Abuse and Mandatory Training
KLD - Public Complaints About District Personnel

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Sexual Harassment Grievance Process
Code	ACAA-R
Status	Active
Adopted	September 20, 2001
Last Revised	November 19, 2020
Prior Revised Dates	10/21/2004, 11/16/2017

Sexual Harassment Grievance Process

The Board requires the following grievance process to be followed for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited as sexual harassment by Title IX. The Board directs the process to be published in accordance with all statutory and regulatory requirements.

Definitions

The following definitions apply for Title IX policies and procedures:

"Actual knowledge:" notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary or secondary school.

"Education program or activity:" includes locations, events or circumstances over which the District exercised substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, and the context in which the sexual harassment occurs.

"Complainant:" an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Respondent:" an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Formal complaint:" a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

"Supportive measures:" non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

District Requirements

When the District has actual knowledge of sexual harassment in an education program or activity of the District, the District will respond promptly in a manner that is not deliberately indifferent. When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process for investigation.

The District treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the District's property, campus escort services, changes in work locations and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If the District does not provide the Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Timelines

The District has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, the District will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the District.

The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes the District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Nor does it preclude the District from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Upon receipt of a formal complaint, the District must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of the District's investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence and
5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

The District may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the District must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties';
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;

4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer enrolled or employed by the District or
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered

to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant and
6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within 60 calendar days from the District's receipt of a formal complaint.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For students, the sanctions may include disciplinary action, up to and including permanent exclusion. For employees, the sanctions may include any form of responsive discipline, up to and including termination.

Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal Resolution Process

Except when concerning allegations that an employee sexually harassed a student, at any time during the formal complaint process and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that the District:

1. Provides to the parties a written notice disclosing:

A. The allegations;

- B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint and
- C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within 30 calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

Recordkeeping

The District must maintain for a period of seven years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website.

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

Book	Policy manual
Section	Section A: Foundations and Basic Commitments
Title	Nondiscrimination on the Basis of Disability
Code	ACB
Status	Active
Adopted	September 20, 2001
Last Revised	October 21, 2004

Nondiscrimination on the Basis of Disability

The Board maintains that discrimination against a qualified disabled person solely on the basis of disability is unfair. To the extent possible, qualified disabled persons should be in the mainstream of life in a school community. In addition, the District is the recipient of federal funds and therefore must be in compliance with all laws and regulations which deal with disabled individuals.

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

1. No one discriminates against qualified disabled persons in any aspect of school employment solely on the basis of disability.
2. Facilities, programs and activities are made available to qualified disabled persons.
3. Free appropriate public education at elementary and secondary levels, including nonacademic and extracurricular services and activities, are provided to qualified disabled persons.
4. No one excludes 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 is provided with the same health, welfare and other social services which are provided to others.

CROSS REFS.: Student Handbooks

Legal	Individuals with Disabilities Education Act; 20 USC 1400 et seq. Rehabilitation Act; 29 USC 794 Americans with Disabilities Act; 42 USC 12112 et seq. ORC 3323.01 et seq. ORC Chapter 4112
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Cross References

- AC - Nondiscrimination
- ACA - Nondiscrimination on the Basis of Sex
- ACAA - Sexual Harassment
- GBA - Equal Opportunity Employment
- IGBA - Programs for Students with Disabilities
- IGDJ - Interscholastic Athletics
- JB - Equal Educational Opportunities
- JFCF - Hazing and Bullying (Harassment, Intimidation, and Dating Violence)