



## POLICY REVIEW COMMITTEE

Mike McDonough, Deputy Superintendent

Hilliard City School District  
Operations Department

### COMMITTEE MEMBERS

Paul Lambert, Board of Education  
Lisa Whiting, Board of Education  
Brian Wilson, Treasurer/CFO  
Mike McDonough, Deputy Superintendent  
Vicky Clark, Assistant Superintendent  
Herb Higginbotham, Director Elementary Education  
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Erin Dooley, Principal Hilliard Station Sixth Grade  
Holly Meister, Principal Scioto Darby Elementary  
Stephanie Borlaza, Principal Britton Elementary  
Jamie Lennox, Special Education Coordinator

# RECOMMENDATION

First Reading  
September 28, 2020

The Policy Review Committee meets quarterly each school year. All proposed new policies, revisions of current policies or repeal of a current policy are reviewed by the Policy Review Committee before being presented to the Superintendent for submission to the Board of Education. Two readings at two separate meetings shall normally be required before a new or revised policy may be adopted. Action to adopt will take place at a subsequent third meeting. However, the Board does have the option of voting for adoption at the second meeting.

The Policy Review Committee recommends the policies listed below be revised, as noted on the following pages:

1. AC – Nondiscrimination
2. ACA - Nondiscrimination on the Basis of Sex (**New Policy**)
3. ACAA – Sexual Harassment (**New Policy**)
4. ACAA-R – Sexual Harassment Grievance Process (**New Regulation**)
5. DFA - Investments
6. GCPD – Suspension and Termination of Professional Staff Members
7. GDPD – Suspension, Demotion and Termination of Support Staff Members
8. JED – Student Absences and Excuses
9. JEGA – Permanent Exclusion
10. JFCF – Hazing and Bullying
11. JFCF-R – Hazing and Bullying
12. JG – Student Discipline
13. JGD – Student Suspension
14. JGDA Emergency Removal of Student
15. JGE – Student Expulsion
16. KLD – Public Complaints about District Personnel

### Revision Notes:

- Language with a ~~line drawn through it~~ is language to be removed.
- Language in **bold-type** is language to be added.

The policies are being submitted for readings and adoption at the following Board of Education meetings:

- First reading – September 28, 2020
- Second reading – October 12, 2020
- Third reading and adoption – October 26, 2020

## NONDISCRIMINATION

The Board's policy of nondiscrimination extends to students, staff, job applicants, the general public and individuals with whom it does business and applies to race, ethnicity, national origin, ancestry, citizenship status, religion, gender, sexual orientation, economic status, age, disability or military status.

The Board does not discriminate on the basis of legally acquired genetic information.

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 including the use of electronic communications devices, 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 of another employee or student shall be subject to disciplinary action.

Permission, consent or assumption of risk by an individual subjected to discrimination 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.

The Board designates the Executive Director of Human Resources, 2140 Atlas Street, Columbus, Ohio 43228, 614-921-7000, <http://www.hilliardschools.org/contact-us/>, to serve as the District's compliance officer/civil rights coordinator.

The name, title, and contact information of this individual is annually published in District handbooks and on the District website. **The Board has adopted separate policies and procedures for sexual harassment, including the identification of a Title IX Coordinator. All sexual harassment reports must be managed in accordance with the sexual harassment policy and procedure.**

The compliance officer is responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address any inquiries or complaints regarding discrimination/retaliation or denial of equal access in a prompt and equitable manner.

Reports and Complaints of Unlawful Discrimination/Harassment

All persons associated with the District, including, but not limited to, the Board, administration, staff, students and third parties are encouraged to promptly report incidents of unlawful discrimination/harassment.

The Board has developed complaint procedures, which are made available to every member of the school community. The Board also has identified disciplinary penalties, which may be imposed on the offender(s).

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

[Adoption date: August 14, 2001]  
[Re-adoption date: January 24, 2005]  
[Re-adoption date: April 12, 2005]  
[Re-adoption date: July 9, 2008]  
[Re-adoption date: April 13, 2011]  
[Re-adoption date: April 22, 2013]  
[Re-adoption date: May 11, 2015]  
[Re-adoption date: February 6, 2017]  
[Re-adoption date: October 8, 2018]

LEGAL REFS.: 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  
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; 42 USC 12112 et seq.  
Ohio Const. Art. I, Section 2  
ORC Chapter 3323  
Chapter 4112  
OAC 3301-35-02

CROSS REFS.: 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  
GBO, Verification of Employment Eligibility  
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  
Staff Handbooks  
Student Handbooks

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

DRAFT

**REPLACE WITH NEW POLICY ACA**

File: ACA/ACAA

**NONDISCRIMINATION ON THE BASIS OF SEX/SEXUAL HARASSMENT**

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.

All persons associated with the District, including, but not limited to, the Board, administration, staff students, and third parties are expected to conduct themselves at all times so as to provide an atmosphere free from sex discrimination and sexual harassment. Sex discrimination and sexual harassment, whether verbal, nonverbal, or digital 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. The District may have an obligation to investigate and/or respond to sexual harassment occurring off school grounds, when the harassment creates a hostile environment within the school setting. Sexual harassment is strictly prohibited by this policy.

The District takes measures to eliminate harassment, prevent its recurrence and remedy its effects, and will implement interim measures as deemed necessary.

**Definition of Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal, 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 status in a class, educational program or activity;
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 is sufficiently severe, persistent, or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile or abusive environment, or by interfering with one's ability to participate in or benefit from a class or educational program or activity.

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will, or where a person is incapable of giving consent. Examples of sexual violence include but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Sexual harassment includes gender-based harassment, which refers to unwelcome conduct based on an individual's actual or perceived sex, (including harassment based on gender identity and nonconformity with sex stereotypes), and not necessarily involving conduct of a sexual nature.

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; grooming; 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 pictures or any form of digital media. Whether any act or comment constitutes sexual harassment type conduct is often dependent on the individual recipient.

All of these types of harassment are considered forms of sex discrimination prohibited by Title IX.

The Board has developed informal and formal discrimination and harassment complaint procedures. The procedures provide for a prompt and equitable investigation and resolution of complaints of sex discrimination, including sexual misconduct. The Board also has identified disciplinary measures that may be imposed upon the offender. Nothing in this policy or procedure prevents an individual from pursuing action through State and/or Federal law, contacting law enforcement, or from filing 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 Grievance Officer: The Board designates the Executive Director of Human Resources, 2140 Atlas Street, Columbus, Ohio 43228, 614-921-7000, <http://www.hilliardschools.org/contact-us/>, to serve as the District's Title IX Coordinator.

The Title IX Coordinator serves as the grievance officer and coordinates the District's efforts to comply with and carry out responsibilities under Title IX, including any complaint under Title IX. He/She is vested with the authority and responsibility for investigating all sexual harassment complaints in accordance with the procedure set forth in the accompanying regulation. Any investigatory responsibilities of the Title IX Coordinator may be delegated to a designee trained in Title IX compliance and procedures.

Confidentiality/Retaliation

Sexual harassment matters, including the identity of both the reporting party and the responding party, are kept confidential to the extent possible, consistent with the Board's legal obligations to investigate. Although discipline may be imposed against the responding party upon a finding of guilt, the District prohibits retaliation for an individual's participation in, and/or initiation of a sex discrimination/sexual harassment complaint investigation, including instances where the complaint is not substantiated. The District takes reasonable steps to prevent retaliation and takes strong responsive action if retaliation occurs.

[Adoption date: August 14, 2001]

[Re-adoption date: August 14, 2006]

[Re-adoption date: May 11, 2015]

[Re-adoption date: February 6, 2017]

[Re-adoption date: March 12, 2018]

[Re-adoption date: October 8, 2018]

[Adoption Date: ]

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; 20 USC 1681 et seq.  
Executive Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
Ohio Const. Art. I, Section 2  
ORC Chapter 4112  
OAC 3301-35-03(A)

CROSS REFS.: AC, Nondiscrimination  
ACAA, Sexual Harassment  
ACB, Nondiscrimination on the Basis of Disability  
GBA, Equal Opportunity Employment  
GBD, Board-Staff Communications (Also BG)  
IGDJ, Interscholastic Athletics  
JB, Equal Educational Opportunities  
JFC, Student Conduct (Zero Tolerance)  
JFCF, Hazing  
JHG, Reporting Child Abuse  
Staff Handbooks  
Student Handbooks

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

## **NEW POLICY**

File: ACAA

### 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 Executive Director of Human Resources, 2140 Atlas Street, Columbus, Ohio 43228, 614-921-7000, <http://www.hilliardschools.org/contact-us/>, to serve as the District's Title IX Coordinator.

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.

[Adoption date:]

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; 20 USC 1681 et seq.  
Executive Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
Ohio Const. Art. I, Section 2  
ORC Chapter 4112  
34 CFR part 106

CROSS REFS.: AC, Nondiscrimination  
GBA, Equal Opportunity Employment  
GBD, Board-Staff Communications (Also BG)  
GBH, Staff-Student Relations (Also JM)  
GCPD, Suspension and Termination of Professional Staff Members  
GDPD, Suspension, Demotion and Termination of Support 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  
KLD, Public Complaints About District Personnel  
Staff Handbooks  
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CONTRACT REFS.: Teachers' Negotiated Agreement  
Support Staff Negotiated Agreement

DRAFT

**REPLACE WITH NEW REGULATION ACAA-R**

File: ACA R/ACAA R

**NONDISCRIMINATION ON THE BASIS OF SEX/SEXUAL HARASSMENT  
GRIEVANCE PROCEDURES**

The Board has created informal and formal discrimination and harassment grievance procedures, providing for a prompt and equitable investigation and resolution of complaints of sex discrimination, including sexual misconduct. All students and District employees are encouraged to fully cooperate when asked to participate in an investigation.

Members of the school community and third parties are encouraged to promptly report incidents of sex discrimination or sexual harassment. Complaints may be filed with any District employee, or directly with the Title IX Coordinator. District employees are required to report these incidents to the Title IX Coordinator upon becoming aware of an incident, and failure to do so may result in disciplinary action.

Complaints of sex discrimination or sexual harassment must be filed as soon as possible after the alleged incident, as delays in filing complaints can make it difficult to investigate. Both the informal and formal grievance procedures are completed in a timely manner, unless extenuating circumstances exist. Periodic updates are provided to the parties as appropriate during the investigation.

The Title IX Coordinator determines whether or not, by “a preponderance of the evidence,” the alleged victim’s allegations are true. “A preponderance of the evidence” means that evidence must show the alleged discrimination/sexual harassment was more likely than not to have occurred.

Pending the final outcome of an informal or formal investigation, the District institutes interim measures to protect the reporting and/or responding parties and informs him/her of available support services. Interim measures may include, but are not limited to: a District enforced no contact order, modification of work or class schedules, academic modifications and/or counseling. These measures should ensure that both parties continue to have equal access to all district programs and activities and the safety of all parties is protected.

If the Title IX Coordinator or designee is the responding party or the reporting 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.

### Informal Procedure for Addressing Complaints

An informal grievance procedure can be used when the Title IX Coordinator deems it appropriate and/or when the parties involved (reporting party and responding party) agree that an informal process is appropriate and sufficient. The informal process is not used when the alleged discrimination or harassment may constitute sexual violence or any other criminal act.

The Title IX Coordinator gathers enough information during the informal process to understand and resolve the complaint. The Title IX Coordinator proposes an informal solution based on this fact-gathering process, which may include, but not be limited to: requiring the responding party to undergo training on harassment/discrimination, requiring all students and staff to undergo such training, and instituting protective mechanisms for the reporting party.

### Formal Procedure for Addressing Complaints

While the formal grievance procedure may serve as the first step toward the resolution of a charge of sex discrimination or sexual harassment, it also is available when the informal procedure fails to resolve the complaint.

Through the formal grievance procedure, the Title IX Coordinator attempts to resolve the complaint in the following way:

1. The Title IX Coordinator promptly communicates with the reporting 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 Title IX Coordinator and signed by the reporting party, where possible, as a testament to the statement's accuracy.
2. The Title IX Coordinator communicates with the responding party in order to obtain his/her response to the complaint. The response is put in writing by the Title IX Coordinator and signed by the responding party, where possible, as a testament to the statement's accuracy.
3. The Title IX Coordinator communicates with the parties and witnesses (if any) as necessary to gather all of the relevant facts. The dates of any meetings and the facts gathered are all put in writing. The investigation is prompt and equitable, and allows both parties an equal opportunity to present witnesses and other evidence.

4. At the conclusion of the investigation, the Title IX Coordinator prepares a written report summarizing: the evidence gathered during the investigation and whether the allegations were substantiated; whether any Board policies or student or employee codes of conduct were violated; any recommendations for corrective action. The investigation report indicates if any measures must be instituted to protect the reporting party. Such measures may include, but are not limited to extending any interim measures taken during the investigation. The report also informs the reporting party of available support services, which at a minimum includes offering school counseling services if the reporting party is a student.

#### Notice of Outcome

Both the reporting party and the responding party are provided written notice of the outcome of the complaint.

If any party disagrees with the decision of the Title IX Coordinator, he/she may appeal to the Superintendent. After reviewing the record made by the Title IX Coordinator, the Superintendent may attempt to gather further evidence necessary to decide the case and to determine appropriate action to be taken. The decision of the Superintendent is final.

#### Disciplinary Action

Any disciplinary action is carried out in accordance with Board policies, student and employee codes of conduct, State and Federal law, and, when applicable, the negotiated agreement. When recommending discipline, the Title IX Coordinator considers the totality of the circumstances involved, including the ages and maturity levels of those involved. The Title IX Coordinator and the Superintendent determine if a recommendation for expulsion for a responding student or discharge for a responding employee should be made. If this recommendation is made and a hearing is required, the hearing shall be held in accordance with Board policy, State law and/or the negotiated agreement. Both parties shall have an equal right to attend the hearing, have a representative and parent (if student) present, present evidence, and question witnesses.

(Approval date: August 14, 2001)

(Re approval date: August 14, 2006)

(Re approval date: May 11, 2015)

(Re approval date: February 6, 2017)

(Re approval date: March 12, 2018)

## 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 creditability 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.

This shall not prohibit or preclude the District from investigating and/or taking action under any other provision of Board Policy, a Code of Conduct, collective bargaining agreement, state or federal law, or otherwise.

#### 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.

(Approval Date: )

DRAFT

## INVESTMENTS

It is the policy of the Hilliard City Schools to invest public funds in a manner which provides the highest return with the maximum security while meeting the daily cash flow needs of the District and conforming to the Ohio Revised Code governing the investment of public funds.

### Scope

This investment policy applies to all financial assets of the District. These funds are accounted for in Hilliard City Schools' Comprehensive Annual Financial Report and include all funds of the District unless specifically exempted. The Treasurer is authorized to pool cash balances from the several different funds of the District for investment purposes.

### Prudence

The standard of prudence to be used by the investment officer in the context of managing the overall portfolio is the prudent investor rule which states "Investments shall be made with judgment and care, under circumstances, then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The investment officer and staff, acting in accordance with written procedures and exercising due diligence, are not held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported as soon as practical and that appropriate action is taken to control adverse developments.

### Objectives

The primary objectives, in order of priority, of Hilliard City Schools' investment activities are:

1. Safety. Safety of principal is the foremost objective of the investment program. Investments of the District are undertaken in a manner that seeks to ensure preservation of capital in the overall portfolio.
2. Liquidity. The District's investment portfolio remains sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated.
3. Return on Investments. The District's investment portfolio is designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the District's investment risk constraints and the cash flow characteristics of the portfolio.



### Delegation of Authority

Authority to manage the District's investment program is derived from the Ohio Revised Code. The Ohio Revised Code delegates management responsibility for the investment program to the Treasurer.

### Ethics and Conflicts of Interest

The Treasurer and any other District employee who is involved in the investment process must refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. The Treasurer discloses to the Board any material financial interest in financial institutions that conduct business with the District, and he/she further discloses any large personal financial investment positions that could be related to the performance of the District's portfolio. The Treasurer subordinates his/her personal investment transactions to those of the District, particularly with regard to the time of purchases and sales.

### Authorized Financial Institutions and Dealers

The Treasurer maintains a list of financial institutions authorized to provide investment services.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must provide certification of having read the District's investment policy.

### Authorized Investments

The Treasurer may invest on behalf of and in the name of the District in any security specifically authorized by Ohio Revised Code. The following represents authorized investment instruments for school funds:

1. Government Securities

Bonds, notes, debentures or any other obligations or securities issued by the U.S. Treasury, federal government agencies and federal government instrumentalities including variable rate and callable variations insofar as each investment complies with the District's investment policy and ORC criteria such as final maturity, diversification, delivery, etc. All federal agency securities are direct issuances of federal government agencies or instrumentalities.

2. Certificates of Deposit and Savings Accounts

Interest bearing certificates of deposit and savings accounts in any eligible public depository as defined by Ohio Revised Code 135.03, provided that any such deposits and saving accounts are secured by collateral as prescribed in the investment policy.

3. Certificate of Deposit Account Registry Service (CDARS) and Brokered Certificates of Deposit

Per Ohio Revised Code 135.144, an interest bearing certificate of deposit, where any eligible public depository as defined by Ohio Revised Code 135.03, serves as the custodian institution. The custodian institution once it receives District funds will then invest the funds in certificates of deposit with one or more federally insured bank, savings bank, or savings and loan association, wherever located. The full amount of principal and any accrued interest of each certificate of deposit invested in this way shall be insured by federal deposit insurance. Because the entire certificate of deposit is federally insured this negates the need for pledging requirements per Ohio Revised Code 135.18 or 135.181.

4. NOW Accounts (Interest Bearing Negotiable Order of Withdrawal Accounts)

NOW accounts, Super NOW accounts or any other similar account authorized by the Federal Reserve's Depository Institutions Deregulation Committee, provided that such accounts are secured by collateral as prescribed herein.

5. Repurchase Agreements (Repo's)

Before transacting a repurchase agreement with a particular broker/dealer, a master repurchase agreement must be entered into between the District and that particular broker. Each master repurchase agreement provides for collateralization of each repurchase agreement, the market value of which shall not be less ~~that~~ **than** 102% of the principal amount of each repurchase agreement plus accrued interest.

6. State and Local Government Securities\*

Any obligation of the state of Ohio or Hilliard City Schools, or general obligation debt issued by political subdivisions in the State of Ohio as allowed under section 135.14 of the Ohio Revised Code, without regard to length of maturity or interest rate as stipulated in the Ohio Revised Code, is an authorized investment instrument.

7. Investment Pools

Any investment pool created by the Treasurer of the State of Ohio and managed according to section 135.45 of the Ohio Revised Code.

8. No-Load Money Market Mutual Funds

Any no-load money market mutual fund as defined by the Ohio Revised Code.

9. Commercial Paper\*

Notes issued by any entity that is defined in division (D) of section 1705.01 of the Ohio Revised Code and has assets exceeding five hundred million dollars and all other limitations imposed by ORC 135.142.

10. Banker's Acceptances\*

Banker's acceptances of banks that are members of the federal deposit insurance corporation to which obligations both of the following apply:

- A. The obligations are eligible for purchase by the federal reserve system
- B. The obligations mature no later than 180 days after purchase.

\* No investment authorized pursuant to division (1) of this section is made, whether or not authorized by a board of education, unless the treasurer of the board of education has completed additional training for making the types of investments authorized pursuant to division (1) of this section. The type and amount of such training is approved and may be conducted by or provided under the supervision of the Treasurer of State.

Competitive Bidding

All portfolio transactions will be performed on a competitive basis when practical. Each bid or offer will be received, as close in time as possible, from three providers. Records will be maintained of the competitive process.

Safekeeping and Collateralization

If practical, investment securities purchased by the District are delivered by either book entry or physical delivery and held in third-party safekeeping by a bank designated as primary agent. In lieu of a third party agent, securities may be safekept with the dealer or bank from whom the purchase is made. The primary agent issues a safekeeping receipt to the District listing the specific instrument, rate, maturity and other pertinent information.

Collateral is required on two types of investments: certificated of deposit/bank deposits and repurchase agreements. The collateralization level is defined by the Ohio Revised Code. Collateral is limited to eligible securities or other forms of collateral as defined in ORC sections 135.18 and 135.181.

Diversification

The Treasurer diversifies the portfolio to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions or maturities.

<u>Diversification by Instrument</u>	<u>Maximum Percent of Portfolio</u>
U.S. Treasurer Obligations (bills, notes and bonds)	100%
U.S. Government Agency/Instrumentalities	75%
Certificates of Deposit/Bank Deposits (collateralized)	75%
CDARS/Brokered Certificates of Deposit	75%
Repurchase Agreements (repo's)	25%
State and Local Government Securities	20%
State of Ohio Investment Pools	75%
Commercial Paper/Bankers' Acceptances	<del>25%</del> 40%
<u>Diversification by Issuer</u>	
Commercial Paper/Bankers' Acceptances	5%
Certificates of Deposit/Bank Deposits	50%

No transaction needs to be executed when, through inadvertence or unusual circumstance, a maturity in the portfolio causes the percentage of a type or category of investment to exceed the diversification limits set forth above. Any transactions after such infraction work towards returning to compliance.

Maturity

To the extent possible, the Treasurer attempts to match the term to maturity of individual investments with anticipated cash flow requirements. Maturities are normally spread over a ~~two-~~ **five**-year range. The Treasurer, at his/her discretion, may take no more than ~~25%~~ **50%** of the funds to a maximum maturity of five years from date of purchase as long as cash flow requirements allow the securities to be held to maturity. A security trading on a "When Issued" basis may be purchased if all aspects of the security and trade meet the requirements of the investment policy.

Internal Control

Compliance with policies and procedures are independently reviewed during required audits by or on behalf of the Auditor of the state of Ohio.

Performance Standards

The District's investment strategy is passive. Given this strategy, the benchmark used by the Treasurer to determine whether market yields are being achieved is the rolling average of the six-month U.S. Treasury bill. The cash management goal of the District is to earn a yield on the portfolio within 25 basis points of the rolling average of the one-year U.S. Treasury bill.

Reporting

The Treasurer is charged with the responsibility of providing reports on investment activity and returns on the pooled balance of funds. These reports are prepared on a monthly basis and submitted to the Board. The reports provide a clear picture of the status of the current investment portfolio and include the following:

1. a listing of individual securities held at the end of the reporting period by authorized investment category and
2. the percentage of the portfolio represented by each investment category.

[Adoption date: August 14, 2001]  
[Re-adoption date: October 11, 2005]  
[Re-adoption date: November 24, 2014]  
[Re-adoption date: May 11, 2015]

LEGAL REFS.: ORC 135

CROSS REF.: BCA, Board Organizational Meeting

SUSPENSION AND TERMINATION OF PROFESSIONAL  
AND CERTIFICATED STAFF MEMBERS

Suspension

The Board may suspend a professional and certificated staff member pending final action to terminate his/her contract if, in its judgment, the character of the charges warrants such action.

Termination

The contract of a professional and certificated staff member may be terminated for good and just cause. Before terminating any contract, the Board furnishes the professional and certificated staff member a written notice signed by the Treasurer of its intention to consider termination of his/her contract and specification of the grounds for such consideration. The Board informs the professional and certificated staff member of his/her right to request a hearing by the Board or by an independent referee. At such a hearing, both parties may be represented by counsel and present and cross-examine witnesses. A record of the proceedings is made. After the hearing, the Board makes its determination by majority vote. Any order of termination of a contract states the grounds for termination.

Teachers may only be suspended or terminated under the terms of the collective bargaining agreement and/or State **or Federal** law.

**When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

[Adoption date: August 14, 2001]  
[Re-adoption date: December 11, 2001]  
[Re-adoption date: April 26, 2010]  
[Re-adoption date: May 11, 2015]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**  
ORC 124.36  
3319.02; 3319.11; 3319.16; 3319.161; 3319.17

CROSS REFS.: **ACAA, Sexual Harassment**  
GBQ, Criminal Records Check  
Licensure Code of Professional Conduct for Ohio Educators

CONTRACT REF.: Teachers' Negotiated Agreement

DRAFT

## SUSPENSION, DEMOTION AND TERMINATION OF CLASSIFIED STAFF MEMBERS

### Suspension

The Superintendent may suspend any employee of the Board whenever such action appears necessary in the best interests of the proper functioning of the school system.

Where grounds for immediate dismissal are involved, the Superintendent shall recommend that a special Board meeting be held and immediate steps be initiated to dismiss the employee.

If, after being suspended, an employee is reinstated by the Board, said employee shall receive full salary for the period of suspension.

The Superintendent/designee shall immediately inform all Board members when an employee is suspended.

### Dismissal

When the contract of any classified staff employee is terminated, the employee concerned shall be fully advised of the reasons for the dismissal. The reasons for the dismissal shall be fully substantiated by written evaluations and evidence that effort to help the employee improve the quality of his/her services was present unless it is clearly in the interest of the District to terminate his/her services without delay.

Employees may be dismissed for violation of written policies of the Board, for failure to perform assigned duties or for cause as set forth by law.

By law, any public employee who refuses to testify in a court or before a legally constituted agency of the national or state government is subject to immediate dismissal.

By law, any public employee who holds membership in an organization dedicated to the overthrow of the American government by violence is subject to immediate dismissal.

Because of the nature of employment in a school system, there are certain types of conduct which may result in immediate dismissal. These may include but are not limited to:

1. bringing a woman/man into the school or school property for any immoral purposes;
2. evidence of perversion;
3. possession or use of intoxicants or being under the influence of intoxicants on school property;



4. any improper relationship with a student or employee;
5. showing or having possession of obscene literature on Board property;
6. addiction to the use of drugs
7. conviction of a felony or
8. circumstances of continued insubordination.

Nonrenewal of a Contract

The Board Treasurer shall give notice in writing of the Board's intention not to rehire an employee on or before June 1 and prior to the expiration of the employee's contract. A probationary employee shall be notified of the Board's intention not to rehire two weeks prior to the expiration of the probationary contract.

**When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

[Adoption date: August 14, 2001]

[Re-adoption date: May 11, 2015]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**  
ORC 124.32; 124.33; 124.34; 124.36  
3319.04; 3319.081; 3319.083

CROSS REF.: **ACAA, Sexual Harassment**  
GBQ, Criminal Records Check

CONTRACT REF.: Classified Staff Negotiated Agreement

## STUDENT ABSENCES AND EXCUSES

Achievement and attendance are highly correlated. Each student should attempt to attend school daily. Rules and regulations regarding excessive absenteeism and tardiness shall be enforced.

Parents and/or guardians are legally responsible for the student's attendance in school; therefore, the parent or guardian of any student is required to accompany the student to the school's attendance office each time the student has accumulated five days of unexcused absence in a semester. If the school has no attendance office, the principal's office shall serve as such.

Students are required to be in their designated place at all times during the school day. Any student found otherwise shall be considered truant and shall be subject to the same policies and procedures as out-of-school truancy.

### Family Trips

It is recognized that planned family trips often provide enrichment to regular classroom instruction. It is further recognized that employers cannot always grant vacation periods which fall within the school vacation and holiday period, and for families to be together, some trips must necessarily be scheduled during the academic year. Application for approval (JED-E) must be made by a parent or guardian at least two weeks in advance. If the student is not a member of the immediate family, his/her parent or guardian must complete the application. Each student is limited to one approved trip of 10 school days or less per school year without loss of academic standing, provided proper assignment make-up work is completed, including tests and final examinations. More than one trip with a cumulative of 10 days or less may be approved by the building principal or his/her designee. Trips of more than 10 school days shall not be approved except in extraordinary circumstances as determined by the building principal or his/her designee. If a student is absent for family travel outside of the ten (10) days of excused absences allowed by the District, he/she will be considered unexcused from school and subject to truancy regulations. The school district may be obligated to report the parent/guardian to the Franklin County Juvenile Court System and file charges of lack of compliance with the compulsory education rules. Communication with the school and family is crucial and attempts can be made to design online or other opportunities when applicable.

**The Board directs the Superintendent/designee to develop appropriate procedures for tracking student attendance based on the mode of learning. The District monitors daily absences for trends related to COVID-19.**

**Students will not be penalized for absences related to contracting COVID-19 or having to quarantine or isolate due to COVID-19 exposure/symptoms, regardless of whether the student is participating in-person, remotely or both.**

### Medically Excused Absence

Medically excused absences shall be those that are included as reason for absence according to the Ohio Revised Code. These reasons are:

1. Personal illness. The approving authority may require a medical certification if he/she deems it advisable.
2. Illness in the family. The absence under this condition shall not apply to children under fourteen years of age.
3. Quarantine of the home. The absence of a child from school under this condition is limited to the length of quarantine as fixed by the proper health officials.
4. Emergency or set of circumstances which in the judgment of the Superintendent/designee constitutes a good and sufficient cause for absence from school which may include but not be limited to absences due to documented medical appointments.

**Any limits that may be in place regarding the number of medical excuses that will be authorized without a doctor's note may be extended if the student or someone in the student's family is in quarantine due to COVID-19 or experiencing symptoms of COVID-19.**

### Nonmedically Excused Absence

Reasons for which students may be nonmedically excused include, but are not limited to:

1. needed at home to perform necessary work directly and exclusively for parents or legal guardians for a limited period of time when approved by the Superintendent (applies to students over 14 years of age only);
2. death in the family (applies to absences of up to 18 school hours unless a reasonable cause may be shown for a longer absence);
3. observance of religious holidays consistent with a student's truly held religious belief;
4. traveling out of state to attend a Board-approved enrichment activity or extracurricular activity (applies to absences of up to 24 school hours);
5. college visitation;
6. absences due to a student's placement in foster care or change in foster care placement or any court proceedings related to their foster care status;

7. absences due to a student being homeless or
- 8. temporary internet outage for individual students or households;**
- 9. technical difficulties for individual students or households occurring at inopportune times such as during a teacher-led remote learning lesson;**
- 10. absences due to COVID-19 reasons that are not considered medically excused until alternative arrangements can be made or**
- § 11.** as determined by the Superintendent.

The District makes an attempt to contact the parent, guardian, or other person having care of a student who has not notified the school of the student's absence that day regarding that student's absence without legitimate excuse within 120 minutes of the start of the school day. The Board authorizes the Superintendent/designee to determine and use the appropriate notification procedure and methods consistent with State law.

Each student who is absent must immediately, upon return to school, make arrangements with his/her teacher(s) to make up work missed. Students who are absent from school for reasons not permitted by State law may, or may not, be permitted to make up work. Each case is considered on its merits by the principal and the respective teacher(s). Students who are absent due to an in-school or out-of-school suspension are permitted to make up missed classroom assignments in accordance with District level policies and procedures.

#### Unexcused Absences

An unexcused absence, whether resulting from truancy or other unacceptable reasons, eliminates the opportunity to earn credit for work missed. This shall not preclude the student from completing assignments to keep current.

Disciplinary action may result from unexcused absence.

The Board authorizes the Superintendent/designee to establish a hearing and notification procedure for the purpose of denying a student's driving privileges if that student of compulsory school age has been absent without legitimate excuse for more than 60 consecutive hours during a school month or a total of at least 90 hours during a school year.

[Adoption date: August 14, 2001]  
[Re-adoption date: January 28, 2008]  
[Re-adoption date: November 12, 2014]

[Re-adoption date: May 11, 2015]  
[Re-adoption date: July 8, 2015]  
[Re-adoption date: February 6, 2017]  
[Re-adoption date: April 17, 2017]  
[Re-adoption date: May 14, 2018]  
[Re-adoption date: May 13, 2019]  
[Re-adoption date: June 15, 2020]

LEGAL REFS.: ORC 3313.609; 3313.66  
3319.16  
3321.01; 3321.03; 3321.04; 3321.13; 3321.14; 3321.141; 3321.19;  
3321.38  
4510.32  
OAC 3301-69-02

CROSS REFS.: IGAC, Teaching About Religion  
IKB, Homework  
JEDB, Student Dismissal Precautions  
JEE, Student Attendance Accounting (Missing and Absent Children)  
JHC, Student Health Services and Requirements  
JHCC, Communicable Diseases

## PERMANENT EXCLUSION

The Board may seek the permanent exclusion of a student 16 years of age or older who is either convicted in criminal court or adjudicated delinquent by a juvenile court of any of the following offenses that occur on school grounds or at a school function:

1. illegal conveyance or possession of a deadly weapon or dangerous ordnance, carrying a concealed weapon, aggravated trafficking, trafficking in drugs, trafficking involving the possession of a bulk amount of a controlled substance or the sale of a controlled substance and/or
2. aggravated murder, murder, voluntary or involuntary manslaughter, felonious or aggravated assault, rape, gross sexual imposition or felonious sexual penetration.

In addition, complicity in any of the above acts may be the basis for permanent exclusion.

**When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

Any building administrator witnessing, or having knowledge of, one of these acts must report the incident to the Superintendent/designee within 24 hours, whether or not the student is over 16 years of age.

If the Superintendent/designee receives notification that a student has been found guilty of or is adjudicated delinquent for any of the listed offenses, a determination must be made whether the student's continued attendance endangers the health and safety of other students or employees or whether the student's attendance poses a danger of disruption to the graded course of study. If the Superintendent/designee determines that either danger exists, he/she may recommend that the Board adopt a resolution requesting the State Superintendent of Public Instruction to permanently exclude the student from attendance in any Ohio school. Written notice of the Superintendent's/designee's recommendation for permanent exclusion is provided to the student and his/her parent(s).

The Board acts upon the Superintendent's recommendation within 14 days. Among the items the Board may consider is information on:

1. academic and extracurricular activity record of the student;
2. disciplinary record of the student;
3. social history of the student;

4. response to prior discipline and sanctions;
5. seriousness of the offense and any aggravating circumstances;
6. any mitigating circumstances;
7. evidence regarding the possible danger to other students and employees if the student remains in the District;
8. evidence regarding the probable disruption of the graded course of study
9. availability of less serious sanctions that would permit the student to stay in the District without conflict with either (7) or (8).

The Board may allow for the hearing of witnesses and the presentation of additional evidence.

If the Board adopts the resolution to permanently exclude the student, the Board:

1. forwards the written resolution, together with the adjudication or conviction and a copy of the student's entire school record, to the State Superintendent;
2. promptly designates a representative to present the District's case for permanent exclusion to the State Superintendent and
3. forwards a copy of the resolution to the student and his/her parent(s).

If the State Superintendent rejects the resolution, the student shall be re-admitted to the District's schools.

No employee shall knowingly admit, or cause by inaction to be admitted, any student who has been permanently excluded.

#### Re-admission

If the Superintendent determines that a permanently excluded student no longer represents either a danger to the health and safety of other students or staff, the Superintendent may recommend the re-admission of the student.

On the recommendation of the Superintendent, the Board considers a resolution requesting the State Superintendent to revoke the permanent exclusion. If the Board adopts the resolution, it is forwarded to the State Superintendent, together with the reasons for the resolution and any relevant information.

Probationary Admission Following Permanent Exclusion

Under Ohio law, a student permanently excluded from school may request probationary admission for 90 days in any public school district.

If a student requests consideration of probationary admission into this District, the Superintendent may enter into discussions with the student and his/her parent(s) to develop a probationary admission plan designed to meet the educational needs of the child and the disciplinary requirements of the District.

If a satisfactory plan is developed, the Superintendent recommends that the Board allow the student to attend classes according to the terms of the plan. The Board acts on the recommendation within 14 days.

If a student violates the terms of the re-admission plan, the Superintendent may immediately remove the student, pending action by the Board. The Board's action must take place within five days from receipt of the Superintendent's recommendation to revoke the re-admission.

A student in compliance with his/her probationary re-admission plan may request either an extension of the plan for an additional 90 days or for the Superintendent to recommend that the permanent exclusion be revoked.

[Adoption date: August 14, 2001]

[Re-adoption date: May 11, 2015]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**  
ORC 3313.66; 3313.661; 3313.662

CROSS REFS.: **ACAA, Sexual Harassment**  
JFCJ, Weapons in the Schools  
JGD, Student Suspension  
JGE, Student Expulsion



## HAZING AND BULLYING (Harassment, Intimidation and Dating Violence)

Hazing means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental, emotional or physical harm to any person.

Throughout this policy the term bullying is used in place of harassment, intimidation and bullying.

Bullying, harassment and intimidation is an intentional written, verbal, electronic or physical act that a student has exhibited toward another particular student more than once. The intentional act also includes violence within a dating relationship. The behavior causes mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student. This behavior is prohibited on school property, on a school bus or at any school-sponsored activity. Students found responsible for harassment, intimidation or bullying by an electronic act may be suspended. Discipline procedures will not infringe on any student's rights under the First Amendment to the Constitution of the United States. **When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

Permission, consent or assumption of risk by an individual subjected to hazing, bullying and/or dating violence does not lessen the prohibition contained in this policy.

The District includes, within the health curriculum, age-appropriate instruction in dating violence prevention education in grades 7 to 12. This instruction includes recognizing warning signs of dating violence and the characteristics of healthy relationships.

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 but not limited to, interacting with other individuals on social networking 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 hazing and/or bullying activities. No students, including leaders of student organizations, are permitted to plan, encourage or engage in any hazing and/or bullying.

Administrators, teachers and all other District employees are particularly alert to possible conditions, circumstances or events that might include hazing, bullying and/or dating violence. If any of the prohibited behaviors are planned or discovered, involved students are informed by the discovering District employee of the prohibition contained in this policy and are required to

end all such activities immediately. All hazing, bullying and/or dating violence incidents are reported immediately to the principal/designee and appropriate discipline is administered. **When employees have actual knowledge that the behavior is sexual harassment, they must contact the Title IX Coordinator.**

School administrators shall notify the parents/guardians of a student who commits acts of harassment, intimidation, bullying and/or dating violence and the parents/guardians of students against whom such acts were committed, and shall allow access to any written reports pertaining to the incident, to the extent permitted by law.

The Superintendent/designee will provide the Board with a summary of all reported incidents two times per year and post the summary on the District's website, to the extent permitted by law.

The administration provides training on the District's hazing and bullying policy to District employees and volunteers who have direct contact with students and by November 30 annually reports to the Ohio Department of Education compliance with this requirement through the consolidated school mandate report. If the District reports noncompliance the Superintendent/designee must provide a written explanation to the Board within 30 days explaining this noncompliance and a written plan of action for accurately and efficiently addressing the problem.

Additional training is provided to employees in violence and substance abuse prevention and positive youth development.

District employees, students and volunteers have qualified civil immunity for damages arising from reporting an incident of hazing and/or bullying. Administrators, teachers, other employees and students who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State and Federal law.

No one is permitted to retaliate against an employee or student because he/she files a grievance or assists or participates in an investigation, proceeding or hearing regarding the charge of hazing and/or bullying of an individual.

[Adoption date: August 14, 2001]  
[Re-adoption date: January 24, 2005]  
[Re-adoption date: April 12, 2005]  
[Re-adoption date: April 9, 2007]  
[Re-adoption date: January 28, 2008]  
[Re-adoption date: April 26, 2010]  
[Re-adoption date: April 25, 2012]  
[Re-adoption date: August 13, 2012]  
[Re-adoption date: May 11, 2015]

[Re-adoption date: February 8, 2016]  
[Re-adoption date: February 6, 2017]  
[Re-adoption date: February 11, 2019]  
[Re-adoption date: June 15, 2020]

LEGAL REFS.: Children's Internet Protection Act; 47 USC 254 (h)(5)(b)(iii);  
(P.L. 106-554, HR 4577, 2000, 114 Stat 2763)

**Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**

ORC 117.53  
2307.44  
2903.31  
3301.22  
3301.68  
3313.666; 3313.667  
3319.073

CROSS REFS.: AC, Nondiscrimination  
ACA, Nondiscrimination on the Basis of Sex  
ACAA, Sexual Harassment  
EDE, Computer/Online Services (Acceptable Use and Internet Safety)  
IGAE, Health Education  
IIBH, District Web Site Publishing  
JFC, Student Conduct (Zero Tolerance)  
JFCEA, Gangs  
JFCK, Use of Electronic Communications Equipment by Students  
JG, Student Discipline  
JHG, Reporting Child Abuse  
JO, Student Records  
Student Handbooks

## HAZING AND BULLYING (Harassment, Intimidation and Dating Violence)

The prohibition against hazing, dating violence, harassment, intimidation or bullying 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 training materials. **When the behavior involves allegations of sexual harassment, the Title IX sexual harassment grievance process will be followed, as applicable. When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

### School Personnel Responsibilities and Complaint Procedures

Hazing, bullying behavior and/or dating violence by any student/school personnel in the District is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. Hazing bullying and/or dating violence means any intentional written, verbal, graphic or physical acts, including but not limited to, electronically transmitted acts, either overt or covert, by a student or group of students toward other students/school personnel with the intent to haze, harass, intimidate, injure, threaten, ridicule or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity; in any District publication; through the use of any District-owned or operated communication tools, including but not limited to District e-mail accounts and/or computers; on school-provided transportation or at any official school bus stop.

Hazing, bullying and/or dating violence can include many different behaviors. Examples of conduct that could constitute prohibited behaviors include, but are not limited to:

1. physical violence and/or attacks;
2. threats, taunts and intimidation through words and/or gestures;
3. extortion, damage or stealing of money and/or possessions;
4. exclusion from the peer group or spreading rumors;
5. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/online sites (also known as “cyber bullying”), such as the following:
  - A. posting slurs on web sites, social networking sites, blogs or personal online journals;
  - B. sending abusive or threatening e-mails, web site postings or comments and instant messages;

- C. using camera phones to take embarrassing photographs or videos of students and/or distributing or posting the photos or videos online and
  - D. using web sites, social networking, blogs or personal online journals, e-mails or instant messages to circulate gossip and rumors to other students.
6. excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

In evaluating whether conduct constitutes hazing or bullying, special attention is paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim and the motivation, either admitted or appropriately inferred.

#### Teachers and Other School Staff

Teachers and other school staff who witness acts of hazing, bullying and/or dating violence as defined above, promptly notify the building principal/designee of the event observed, and promptly file a written incident report concerning the events witnessed.

Teachers and other school staff who receive student or parent reports of suspected hazing, bullying and/or dating violence promptly notify the building principal/designee of such report(s). If the report is a formal, written complaint, the complaint is forwarded to the building principal/designee no later than the next school day. If the report is an informal complaint by a student that is received by a teacher or other professional employee, he/she prepares a written report of the informal complaint that is forwarded to the building principal/designee no later than the next school day.

#### Complaints

##### 1. Formal Complaints

Students and/or their parents or guardians may file reports regarding suspected hazing, harassment, intimidation, bullying and/or dating violence. The reports should be written, including electronic documentation. Such written reports must be reasonably specific including person(s) involved; number of times and places of the alleged conduct; the target of suspected harassment, intimidation and/or bullying and the names of any potential student or staff witnesses. This information must be reported to any school staff member or administrator. They are promptly forwarded to the building principal/designee for review and action.

2. Informal Complaints

Students, parents or guardians and school personnel may make informal complaints of conduct that they consider to be harassment, intimidation and/or bullying by verbal report to a teacher, school administrator or other school personnel. Such informal complaints must be reasonably specific as to the actions giving rise to the suspicion of hazing, harassment, intimidation and/or bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s) and the names of any potential student or staff witness. The school staff member or administrator who receives the informal complaint promptly documents the complaint in writing, including the above information. This written report by the school staff member and/or administrator is promptly forwarded to the building principal/designee for review and action.

3. Anonymous Complaints

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaint is reviewed and reasonable action is taken to address the situation, to the extent such action (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of hazing, bullying and/or dating violence.

4. False Complaints

Students are prohibited from 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.

Intervention Strategies

1. Teachers and Other School Staff

In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of hazing, bullying and/or dating violence in other interactions with students.

School personnel may find opportunities to educate students about harassment, hazing, intimidation and bullying 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 harassment, hazing, intimidation or bullying.

## 2. Administrator Responsibilities

### A. Investigation

The principal/designee is notified of any formal or informal complaint of suspected harassment, hazing, intimidation or bullying. Under the direction of the building principal/designee, all such complaints are investigated promptly. A written report of the investigation is prepared when the investigation is complete. The report includes findings of fact, a determination of whether acts of hazing, bullying and/or dating violence were verified, and when prohibited acts are verified, a recommendation for intervention, including disciplinary action, is included in the report. Where appropriate, written witness statements are attached to the report.

When a student making an informal complaint has requested anonymity, the investigation of such complaint is limited as is appropriate in view of the anonymity of the complaint. Such limitation of the investigation may include restricting action to a simple review of the complaint (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

When hazing and/or bullying is based on race, color, national origin, sex, or disability, and the behavior creates a hostile environment, ~~the hazing and bullying investigation is suspended while~~ the applicable nondiscrimination grievance procedures are implemented **where applicable**.

### B. Nondisciplinary Interventions

When verified acts of hazing, bullying and/or dating violence are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of the behavior, its prohibition and their duty to avoid any conduct that could be considered harassing, hazing, intimidating and/or bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring some cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

C. Disciplinary Interventions

When acts of harassment, intimidation and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Discipline procedures will not infringe on any student's rights under the First Amendment to the Constitution of the United States.

Anonymous complaints that are not otherwise verified, however, cannot provide the basis for disciplinary action.

In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with Board policy. This consequence is reserved for serious incidents of harassment, intimidation or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

Allegations of criminal misconduct are reported to law enforcement, and suspected child abuse is reported to Child Protective Services, per required timelines.

Report to the Custodial Parent or Guardian of the Alleged Aggressor

If, after investigation, acts of harassment, intimidation and bullying by a specific student are verified, the building principal/designee notifies the custodial parent or guardian of the aggressor, in writing, of that finding. If disciplinary consequences are imposed against such student, a description of such discipline is included in such notification.

Strategies are developed and implemented to protect students from new or additional harassment, intimidation or bullying, and from retaliation following reporting of incidents.

Reports to the Alleged Target and His/Her Custodial Parent or Guardian

If, after investigation, acts of bullying or hazing against a specific student are verified, the building principal/designee notifies the custodial parent/guardian of the target of the finding. In providing such notification, care must be taken to respect the statutory privacy rights of the aggressor.

Bullying 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.



School administrators shall notify the custodial parents/guardians of a student who commits acts of harassment, intimidation, bullying and/or dating violence and the custodial parents/guardians of students against whom such acts were committed, and shall allow access to any written reports pertaining to the incident, to the extent permitted by law.

Police and Child Protective Services

In addition to, or instead of, filing a complaint through this policy, a complainant may choose to exercise other options including, but not limited to, filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of the Ohio Revised Code or common law that may apply.

The District must also investigate incidents of hazing, bullying and/or dating violence for the purpose of determining whether there has been a violation of District policy or regulations, even if law enforcement and/or the public children's services are also investigating. All District personnel must cooperate with investigations by outside agencies.

(Approval date: June 28, 2010)  
(Re-approval date: August 13, 2012)  
(Re-approval date: May 11, 2015)  
(Re-approval date: February 6, 2017)  
(Re-approval date: June 15, 2020)

## STUDENT DISCIPLINE

The discipline procedures of the District are based on the premise that every student attending school is able to differentiate between right and wrong, that every student is aware that he/she is attending school primarily to learn and profit through the course of study, and that constituted authority and school regulations are necessary for the proper conduct of the schools.

The Board recognizes that it has a solemn obligation to protect the public property entrusted to its care and to protect the rights and privileges of those students who sincerely desire to learn and who make an honest effort to do so.

Any student who demonstrates that he/she is unable to differentiate between right and wrong, or who has no apparent desire to profit from the course of instruction, or who has no regard for the rights of other students, or any combination of the above, is subject to severe disciplinary action including exclusion from school.

Each building principal, in accordance with policy, shall establish reasonable rules and regulations governing the discipline of students in his/her assigned area.

1. Regardless of assignment, each certificated staff member shall share the responsibility of maintaining student discipline.
2. Discipline shall be firm and consistent.
3. Provision shall be made to prevent any student from committing an unlimited number of offenses.
4. The principal concerned shall have the responsibility of determining the degree of the offense.
5. A complete discipline record, listing all major offenses, shall be maintained for each student.

Each discipline situation should be considered on an individual basis, taking all available facts into account. There should be consistency in the administration of penalties and punishment for similar acts of misconduct.

**When an employee has actual knowledge that the behavior is sexual harassment, the Title IX Coordinator must be contacted. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

In determining appropriate disciplinary action, the following considerations shall be applied:

1. severity of the offense as it potentially affects the educational community and the degree to which such conduct tends to interfere with achieving the objectives of the educational process;
2. whether the offense is a first or infrequent infraction or one in a virtual continuum of offenses and
3. whether alternate action other than that otherwise considered usual and customary would be in the best interest of the particular offending student and/or the school community generally.
4. a student cannot be suspended, expelled or removed from school solely because of unexcused absences.

Whenever possible, community service should be considered as an alternative (option), in the disciplinary process for students.

[Adoption date: August 14, 2001]

[Re-adoption date: May 11, 2015]

[Re-adoption date: April 17, 2017]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**

ORC 3313.20; 3313.66; 3313.661; 3313.662; 3313.668  
3319.41

CROSS REFS.: **ACAA, Sexual Harassment**

ECAB, Vandalism  
IGD, Cocurricular and Extracurricular Activities  
JFC, Student Conduct (Zero Tolerance)  
JGA, Corporal Punishment  
JGD, Student Suspension  
JGDA, Emergency Removal of Student  
JGE, Student Expulsion  
Student Handbook

## STUDENT SUSPENSION

The Superintendent/designee, principals, assistant principals and other administrators may suspend a student from school for disciplinary reasons outlined in the student code of conduct. A student cannot be suspended from school solely because of unexcused absences. **When an employee has actual knowledge that the behavior is sexual harassment, the Title IX Coordinator must be contacted. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

No period of suspension is for more than 10 school days. If, at the time a suspension is imposed, fewer than 10 days remain in the school year the Superintendent/designee cannot apply any or all of the period of suspension to the following year.

The Superintendent/designee may instead require a student to perform community service or another alternative consequence for the number of hours remaining in the student's suspension. The Board directs the Superintendent to develop a list of alternative consequences that may be used. If the student is required to perform community service or another alternative consequence during the summer, he/she will be required to begin serving the consequence during the first full weekday of summer break. If a student fails to complete the community service or assigned alternative consequence, the Superintendent may determine the next course of action but still cannot require the student to serve the remaining time of the out of school suspension at the beginning of the following school year.

Beginning with the 2019-2020 academic year, the District will reduce the number of out-of-school suspensions for non-serious offenses, as defined by State law, for students in grades pre-K through three in accordance with State law. Such out-of-school suspensions will be eliminated by the 2021-2022 school year.

Whenever possible, principals will consult with a mental health professional under contract with the District or school prior to suspending a student in grades pre-K through three. If needed, the principal or mental health professional will assist the student's parent in locating additional mental health services.

The District permits students to complete any classroom assignments missed due to suspension. Students will receive at least partial credit upon completion of any assignment missed due to suspension. The Board directs the Superintendent to develop written procedures for completing and grading these assignments. Grade reductions are permitted, but students will not receive a failing grade on a completed assignment solely due to the student's suspension.

The guidelines listed below are followed for all out-of-school suspensions.

1. The student is informed in writing of the potential suspension and the reasons for the proposed action.
2. The student is provided an opportunity for an informal hearing to challenge the reason for the intended suspension and explain his/her actions.
3. An attempt is made to notify the parent(s) by telephone if a suspension is issued.
4. Within one school day, a letter is sent to the parent(s) stating the specific reasons for the suspension and including notice of the right to appeal such action.
5. Notice of this suspension is sent to the:
  - A. Superintendent;
  - B. student's school record (not for inclusion in the permanent record) and
  - C. and other staff involved.
6. Permanent Exclusion. If the offense is one for which the District may seek permanent exclusion, the notice contains that information.

#### Appeal Procedure

Should a student or a student's parent(s) choose to appeal the suspension, he/she must do so within three school days of receipt of the notice of suspension. The Board of Education appoints the superintendent/designee to hear all suspension appeals. All witnesses are sworn and a verbatim record is kept of the hearing which may be held in executive session at the request of the student or his/her parent(s). The student may be excluded from school during the appeal process.

#### Appeal to the Court

Under State law, appeal of the Board's or its designee's decision may be made to the court of common pleas.

[Adoption date: August 14, 2001]

[Re-adoption date: November 11, 2003]

[Re-adoption date: April 12, 2005]

[Re-adoption date: May 11, 2015]

[Re-adoption date: April 25, 2016]  
[Re-adoption date: April 17, 2017]  
[Re-adoption date: July 5, 2017]  
[Re-adoption date: May 13, 2019]  
[Re-adoption date: February 10, 2020]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**  
ORC 3313.66; 3313.661; 3313.662; 3313.668

CROSS REFS.: **ACAA, Sexual Harassment**  
IGCI, Community Service  
JEGA, Permanent Exclusion  
JFC, Student Conduct (Zero Tolerance)  
JFCEA, Gangs  
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating  
Violence)  
JFCJ, Weapons in the Schools  
JG, Student Discipline  
JGA, Corporal Punishment  
JGDA, Emergency Removal of Student  
JGE, Student Expulsion  
Student Handbook

## EMERGENCY REMOVAL OF STUDENT

If a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the Superintendent/designee, principal, assistant principal or personnel employed to direct, supervise or coach a student activity program may remove the student from the premises. **When the behavior is sexual harassment as defined by Title IX regulations, the student may be removed 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 student with notice and an opportunity to challenge the decision immediately following the removal.**

If either suspension or expulsion is contemplated, a due process hearing is held on the next school day after the removal is ordered. Written notice of the hearing and the reason for removal and any intended disciplinary action is given to the student as soon as practicable prior to the hearing. The student has the opportunity to appear at an informal hearing before the principal, assistant principal and Superintendent/designee and has the right to challenge the reasons for the removal or otherwise explain his/her actions. The person who ordered or requested the removal is present at the hearing. Within one school day of the decision to suspend, written notification is given to the parent(s) of the student and Treasurer of the Board. This notice includes the reasons for the suspension and the right of the student or parent(s) to appeal to the Superintendent/designee.

If the Superintendent/designee or principal reinstates a student prior to the hearing for emergency removal, the teacher may request, and is given, written reasons for the reinstatement. The teacher cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the alleged misconduct is disposed of either by reinstatement, suspension or expulsion.

Students in grades pre-K through three may only be removed for the remainder of the school day and must be permitted to return the following school day. The District may only proceed with a related suspension or expulsion in compliance with State law.

In all cases of normal disciplinary procedures in which a student is removed from a curricular or extracurricular activity for less than 24 hours and is not subject to further suspension or expulsion, due process requirements do not apply.

[Adoption date: August 14, 2001]

[Re-adoption date: May 11, 2015]

[Re-adoption date: May 13, 2019]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**  
ORC Chapter 2506  
3313.66; 3313.661; 3313.662

CROSS REFS.: **ACAA, Sexual Harassment**  
ECAB, Vandalism  
JFCJ, Weapons in the Schools  
JG, Student Discipline  
JGD, Student Suspension  
JGE, Student Expulsion

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## STUDENT EXPULSION

At times the behavior of a student can be considered so serious as to justify total removal from the educational program for a prolonged period of time. Actions meriting expulsion are outlined in the student code of conduct. A student cannot be expelled from school solely because of unexcused absences. **When an employee has actual knowledge that the behavior is sexual harassment, the Title IX Coordinator must be contacted. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.**

Only the Superintendent may expel a student. Expulsion is the removal of a student for more than 10 days, but not more than 80 days duration. An expulsion can extend beyond the end of the school year, if there are fewer school days than expulsion days remaining in the school year, then the Superintendent/designee may apply any remaining part of all the period of the expulsion to the following school year.

The Superintendent/designee may require a student to perform community service in conjunction with or in place of an expulsion. The Board may adopt guidelines to permit the Superintendent/designee to impose a community service requirement beyond the end of the school year in lieu of applying the expulsion in to the following school year.

Whenever possible, principals will consult with a mental health professional under contract with the District or school prior to expelling a student in grades pre-K through three. If needed, the principal or mental health professional will assist the student's parent in locating additional mental health services.

Beginning with the 2019-2020 academic year, the District will reduce the number of expulsions for non-serious offenses, as defined by State law, for students in grades pre-K through three in accordance with State law. Such expulsions will be eliminated by the 2021-2022 school year.

The Superintendent/designee will give the student and parent, guardian or custodian written notice of the intended expulsion, including reasons for the intended expulsion. The student and parent or representative have the opportunity to appear on request before the Superintendent/designee to challenge the action or to otherwise explain the student's actions. This notice will state the time and place to appear, which must not be less than three days nor later than five days after the notice is given.

Within one school day of the expulsion, the Superintendent will notify the parents, guardians or custodians of the student and the Treasurer of the Board.

The notice will include the reasons for the expulsion and the right of the student, parent, guardian or custodian to appeal to the Board or its designee; the right to be represented at the appeal and the right to request the hearing be held in executive session.

The Superintendent will initiate expulsion proceedings against a student who has committed an act that warrants expulsion even if the student withdraws from school before the Superintendent has held the hearings or made the decision to expel the student.

#### Permanent Exclusion

If the offense is one for which a school district may seek permanent expulsion, then the notice will contain that information.

#### Appeal to the Board

A student remains expelled for the duration of the expulsion or until action is taken on any appeal. A student who is 18 or older or a student's parent(s) or guardian(s) may appeal the expulsion by the Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and will be granted a hearing before the Board or its designee.

A verbatim record will be kept of the hearing which may be held in executive session at the request of the student, parent or guardian.

#### Appeal to the Court

Under State law, the decision of the Board may be further appealed to the court of common pleas.

[Adoption date: August 14, 2001]  
[Re-adoption date: November 11, 2003]  
[Re-adoption date: May 11, 2015]  
[Re-adoption date: April 25, 2016]  
[Re-adoption date: April 17, 2017]  
[Re-adoption date: May 13, 2019]  
[Re-adoption date: February 10, 2020]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**  
ORC 3313.66; 3313.661; 3313.662; 3313.668

CROSS REFS.: **ACAA, Sexual Harassment**

ECAB, Vandalism

IGCI, Community Service

JEGA, Permanent Exclusion

JFC, Student Conduct (Zero Tolerance)

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

JFCJ, Weapons in the Schools

JG, Student Discipline

JGD, Student Suspension

JGDA, Emergency Removal of Student

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## PUBLIC COMPLAINTS ABOUT DISTRICT PERSONNEL

The following procedures are to ensure that a citizen's complaint is given attention and that the integrity of the educational program is upheld. "Complaint" in this policy is restricted in meaning to that criticism of a particular employee by a citizen of the District which includes or implies a demand for action by District authorities. **If the complaint is related to a claim of sexual harassment, the District's Title IX sexual harassment grievance process will be followed.** Other comments and suggestions are referred to appropriate personnel.

1. If a complaint comes first to the person against whom it is directed, he/she listens and may try to resolve the difficulty by explaining the background and educational purpose involved. If the complaint remains unsatisfied, the employee refers the complainant to the building principal or other immediate supervisor to have his/her views considered further. Whether the complaint terminates with the individual staff member involved or seems likely to go further, the staff member immediately informs his/her supervisor of the complaint.
2. If a complaint comes first to the principal or other supervisor of the person criticized, the principal or supervisor should make no commitments, admissions of guilt or threats. If the complaint involves a particular employee, the supervisor should suggest a conference between the complainant and the employee criticized and should inform that employee immediately of the complaint. If the complainant has already met with the employee criticized and remains unsatisfied, the supervisor should invite the complainant to file the complaint in writing.
3. If a complaint comes first to any other school employee, that employee refers the complainant to the person criticized or to his/her immediate supervisor and immediately informs both.
4. No further action on the complaint should be taken unless the complainant submits the complaint in writing.
5. When a written complaint is received, the principal or other supervisor schedules a conference with the complainant, the person criticized and, if advisable, the department chairman or other personnel who, in the opinion of either the supervisor or the person criticized, could contribute to resolution of the problem.
6. If the complainant is not satisfied with the results of the conference above, he/she should then be referred to the Superintendent/designee, who may handle the complaint personally or refer it to other personnel, as he/she may see fit.

7. Should dissatisfaction remain after the above steps have been taken, the matter may be placed on the agenda for the next regularly scheduled Board meeting. The decision of the Board is communicated in writing to all interested persons.

[Adoption date: August 14, 2001]

[Re-adoption date: January 24, 2005]

[Re-adoption date: May 11, 2015]

LEGAL REFS.: **Education Amendments of 1972, Title IX; 20 USC 1681 et seq.**

ORC 121.22

149.43

CROSS REFS.: **ACAA, Sexual Harassment**

BDC, Executive Sessions

BDDH, Public Participation at Board Meetings (Also KD)

GBL, Personnel Records

KL, Public Complaints

KLB, Public Complaints About the Curriculum or Instructional Materials

CONTRACT REFS.: Teachers' Negotiated Agreement

Support Staff Negotiated Agreement