

**RECODED AS ACA/ACAA**  
**~~NONDISCRIMINATION ON THE BASIS OF SEX~~**

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

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

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

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

CROSS REFS.: AC, Nondiscrimination  
ACAA, Sexual Harassment  
ACB, Nondiscrimination of the Basis of Disability  
GBA, Equal Opportunity Employment  
IGDJ, Interscholastic Athletics  
IAA, Textbook Selection and Adoption  
JB, Equal Educational Opportunities  
JFC, Student Conduct (Zero Tolerance)  
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)  
Staff Handbooks  
Student Handbooks

*NOTE: State and Federal law, shown in the legal references, apply. Related policies vary widely.*

*If your district has detailed regulations and grievance procedures related to Title IX, they can immediately follow in the manual under code ACA-R.*

***THIS IS A REQUIRED POLICY***

**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, ~~the~~ administration, ~~the~~ staff, ~~and the~~ 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 or nonverbal, occurring inside or outside of District buildings, on other District-owned property or at school-sponsored social functions/activities, is illegal and unacceptable and will not be tolerated. **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.** Any person who engages in sexual harassment while acting as a member of the school community is in violation of this policy.

**The District takes measures to eliminate harassment, prevent its recurrence and address 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 ~~educational development~~ **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 has the purpose or effect of unreasonably interfering with an individual’s work or educational performance ~~or~~ **by creating an intimidating, hostile or offensive 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 or pictures. 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 impartial investigation free from conflicts of interest. 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 directs the Superintendent to appoint one or more sexual-harassment grievance officers who are~~  
**The Board designates the following individual to serve as the District's Title IX Coordinator:**

**Title:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone number:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**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 procedures set forth in the accompanying regulation and staff and student handbooks.**

### Confidentiality/Retaliation

Sexual harassment matters, including the identity of both the charging party and the accused, are kept confidential to the extent possible, **consistent with the Board's legal obligations to investigate**. Although discipline may be imposed against the accused upon a finding of guilt, ~~retaliation is prohibited~~ **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.**

~~The Board has developed complaint procedures, which are made available to every member of the school community. The Board has also identified disciplinary penalties, which could be imposed on the offenders.~~

[Adoption date:]

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**

CROSS REFS.: AC, Nondiscrimination  
GBA, Equal Opportunity Employment  
GBD, Board-Staff Communications (Also BG)  
GBH, Staff-Student Relations (Also JM)  
IGDJ, Interscholastic Athletics  
JB, Equal Educational Opportunities  
JFC, Student Conduct (Zero Tolerance)  
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)  
JHG, Reporting Child Abuse  
Staff Handbooks  
Student Handbooks

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

*NOTE: Federal law requires the investigation of all complaints of sexual harassment, **including sexual violence**. The board should appoint, ~~or direct the superintendent to appoint,~~ a **Title IX Coordinator** ~~sexual harassment complaint officer(s)~~ for the district and make this person known to the entire school community — staff, students and visitors.*

*Identification of the district's **sex discrimination and** sexual harassment **policies and Title IX Coordinator** ~~complaint officer(s)~~ should occur in, but not be limited to, staff directories, staff handbooks, student handbooks and **on** the district's website.*

***THIS IS A REQUIRED POLICY***