

**RACIAL/ETHNIC/NATIONAL ORIGIN HARASSMENT AND
DISCRIMINATION POLICY COVERING EMPLOYEES**

Each school district employee has a responsibility to maintain a workplace and educational environment free from harassment. Harassment or offensive conduct at school or school related functions is prohibited.

This policy applies to the Board of Education, its administrative, teaching and non-teaching employees.

Racial/Ethnic/National Origin Harassment and Discrimination

No employee shall, on the basis of his or her race, ethnicity, or national origin be denied equal access to programs, activities, services or benefits, or be limited in the exercise of any right, privilege, advantage or opportunity.

No person shall be disadvantaged or treated unfairly by the Board of Education or any of its personnel or students on the basis of race, ethnicity, or national origin, whether intentionally or otherwise, in any activity at any level of the operations of the school district.

Racial/Ethnic/National Origin Harassment

Racial/ethnic/national origin harassment may be any behavior, verbal or physical, which is imposed by an employee or student on an employee because of race, national origin, or ethnic background, which is intimidating, offensive, abusive, threatening or unwelcome and which causes or contributes to a racially/ethnically/national origin based hostile environment.

Such a hostile environment exists when acts of harassment are sufficiently numerous, severe, or pervasive to impair or alter an individual's school or workplace environment. The existence of a hostile environment is to be judged from the viewpoint of a reasonable person in the victim's situation under all of the existing circumstances.

Such harassment may include, but is not limited to:

1. Racial/ethnic/national origin oriented verbal kidding@ or demeaning racial/ethnic innuendos, teasing, jokes or remarks of a racial/ethnic nature.
2. Writing graffiti and/or slogans depicting racial/ethnic slurs or racially/ethnically derogatory sentiments.
3. Racial/ethnic/national origin motivated intimidation and/or physical violence or threats of physical violence.

Racial/Ethnic/National Origin Discrimination

It is unlawful to discriminate against an employee or applicant for employment because of his/her race, ethnicity, or national origin in regard to hiring, termination, promotion, compensation, or any other term, condition, or privilege of employment. It is also unlawful to make employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups.

Investigation of Harassment and/or Discrimination

In order to prevent, deter or correct such a hostile environment or concern about such discrimination, it is the responsibility of the administrative personnel to investigate any charges of racial/ethnic/national origin harassment or discrimination when brought to their attention and take appropriate corrective action.

1. Complaint Procedure

- a. The staff member desiring to file a harassment/discrimination complaint must present the complaint, in writing, to the Title VI Coordinator. The Coordinator or his/her designee shall investigate the matter unless otherwise designated by the Board.
- b. If the Coordinator is the employee alleged to have engaged in the harassment/discrimination, the complaint shall be sent directly to the Superintendent. The Coordinator will either conduct the investigation set out below, or appoint an investigator in his/her place.
- c. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the district's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

2. Investigation

- a. The investigator should remember that the investigation requires a balancing of the accused's rights, the complainant's right to an environment free of harassment/discrimination, and the Board's interest in a prompt and fair investigation.
- b. The investigator shall meet with the complainant within a reasonable period of time from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.

- c. Following the meeting with the complainant, the investigator shall conduct an investigation to determine if harassment/discrimination has occurred. The investigation shall include a conference with the accused and the complainant, as well as any and all other methods which are considered necessary to determine whether harassment/discrimination has occurred.

3. Post-Investigation Procedures

- a. Upon conclusion of the investigation, the investigator shall issue a written report. Although the facts and circumstances of a particular investigation may require an investigation to continue beyond forty-five (45) school days, it is recommended that the investigation and a report of the findings be completed within that time frame. The report shall include a determination of whether the accused was found to have engaged in harassment/discrimination, was found not to have engaged in harassment/discrimination, or whether the investigation was inconclusive. The report shall be issued to the complainant. A copy of the report shall also be sent to the Superintendent or his/her designee.
- b. A finding of no harassment/discrimination or inconclusive evidence shall end the investigation.
- c. If harassment/discrimination is found to have occurred, the investigator shall recommend what steps are necessary to ensure that the harassment/discrimination is eliminated for the victim and other individuals affected by the harassment/discrimination and to correct its discriminatory effects on the complainant and others, if appropriate.

4. Discipline

If harassment/discrimination is found to have occurred, the person who engaged in such harassment/discrimination may be disciplined. The discipline must be reasonably calculated to end the harassment/discrimination. Any discipline must include a directive that the employee not engage in such harassment/discrimination in the future.

The Superintendent shall appoint the Title VI Coordinator for Non-Discrimination for the district.

School employees will be notified at least annually of their responsibility to report all instances of possible racial/ethnic/national origin discrimination or harassment of which they become aware and to whom such a report shall be made.

A violation of the foregoing policy shall be grounds for discipline according to the Ohio Revised Code and any applicable negotiated agreement.

It is Board policy that all reports of such harassment will be thoroughly investigated, and violations of this policy will be treated as serious disciplinary infractions. No employee shall be subjected to adverse employment action in retaliation for any good faith report of harassment/discrimination or participating in an investigation about harassment/discrimination under this policy. Limited disclosure may be necessary to complete a thorough investigation.

LEGAL REFS: Title VI of the Civil Rights Act of 1964

Adopted: May 20, 2014