

SEX DISCRIMINATION AND SEXUAL HARASSMENT POLICY
COVERING STUDENTS

No student shall, on the basis of his or her sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or opportunity offered by the District.

A student's right to freedom from discrimination on the basis of sex includes the opportunity to learn in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the operation of the School District and will not be tolerated. This policy or a version which provides students adequate notice of the prohibition against sex discrimination, including sexual harassment, the conduct that constitutes sexual harassment, and the complaint procedure for reporting discrimination and harassment shall be included in the student handbooks.

It shall be a violation of this Policy for any District employee, student, or third party to discriminate on the basis of sex against a student, to harass a student through conduct or communications of a sexual nature as defined below, or to have romantic or sexual relations with a student. Retaliation in any form against those persons alleging that sexual discrimination and/or harassment has occurred or participating in the investigation of the complaint is also prohibited.

Any teacher, counselor or administrator who receives a report, verbally or in writing, from any student regarding sexual harassment of that student must forward that report to the building principal or Title IX Coordinator within one school day or within a reasonable period of time if there is a good cause for the delay. Any building principal receiving a report of sexual harassment shall promptly notify the Title IX Coordinator.

Definition of Sexual Harassment

1. Sexual harassment is unwelcome conduct of a sexual nature. Such conduct can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature, when made by a member of the school staff or a third party (e.g., a visiting speaker or visiting athletes) to a student or when made by any student to another student. Such actions constitute sexual harassment when:
 - a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's education;

- b) Submission to or rejection of such conduct by a student is used as the basis for academic decisions affecting that student; or
 - c) The conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity or creates an intimidating, hostile or offensive academic environment;
 - d) Sexual harassment, as defined above, may include, but is not limited to, the following:
 - 1) Verbal harassment or abuse;
 - 2) Pressure for sexual activity;
 - 3) Repeated remarks to a person, with sexual or demeaning implications;
 - 4) Unwelcome touching; or
 - 5) Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, etc.
2. Unwelcome: Conduct is unwelcome if the student did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or failure to complain does not always mean the conduct was welcome.

Complaint Procedure

Any student who alleges sex discrimination or sexual harassment by any District employee, student, or third party may complain to a guidance counselor, teacher, Superintendent, any other school employee whom the student trusts, or directly to the Title IX Coordinator through the Title IX Grievance Procedure as set forth in Board Policy. The person to whom the complaint was made shall within one (1) school day report the complaint to the Title IX Coordinator. If the Title IX Coordinator or Superintendent is the employee alleged to have engaged in the sexual harassment, the report shall be made to the President of the Board of Education.

The Board hereby designates the Title IX Coordinator for the School District:

Andratesha Fritzgerald
Director of Federal Programs
East Cleveland City School District
Board of Education Offices
1843 Stanwood Road
Cleveland, OH 44112
216-268-6600

Retaliation against those who file a complaint or participate in the investigation of the complaint is prohibited. Therefore, filing of a complaint or otherwise reporting sexual harassment will not reflect upon the student's status nor will it affect future employment, grades, or work assignments.

Discipline

A substantiated charge against a student in the School District shall subject that student to disciplinary action, including suspension or expulsion, consistent with the Student Discipline Code.

LEGAL REFS: Title IX of the Education Amendments of 1972
20 C.F.R. 1604.11

Adopted: August 12, 2014