

## ANTI-DISCRIMINATION, ANTI-HARASSMENT, ANTI-BULLYING

### General Statement

The Governing Authority encourages the promotion of positive interpersonal relations between members of the school community that is conducive to academic learning, extra-curricular learning, and the development of healthy human relationships. The Governing Authority is committed to providing a safe, positive, productive, and nurturing learning and working environment that is free from all forms of discrimination, harassment, including bullying, physical harm, or emotional harm for all its students, and its employees. This policy is inclusive and offers protections regardless of race, color, national origin, ethnicity, citizenship status, immigration status, immigration status of parents or guardians, limited English skills, religion, sex, gender identity or expression, sexual orientation, economic status, homeless status, migrant status, age, marital status, pregnancy or disability/ handicap.

This policy applies to all activities in the school community, including activities on school property, or on school provided transportation, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. This nondiscrimination policy covers student access to courses and programs, student policies and their application, and participation and benefits of any activity in the school. This policy does not preclude the application of any provisions of State law that apply to student and teacher behavior. This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

### Reporting

Any student or staff member may bring a complaint against any member of the school community, a customer, vendor, or contractor believed to have violated the policy. All complaints that may violate this policy shall receive prompt and equitable resolution using the developed informal and formal Anti-Discrimination, Anti-Harassment, Anti-Bullying Complaint Procedure. JFCF – R. The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. Documentation of follow-through and resolution in all circumstances will be maintained.

Every student is encouraged, and every staff member is required to report any situation where a student or staff member believes s/he has been or is the victim of discrimination, harassment, bullying, or aggressive behavior. A student or a staff member should immediately report the situation to the supervisor, or the School Leader. A student may also report concerns to a teacher or counselor who will be responsible for promptly notifying the appropriate administrator or Governing Authority official. Complaints against the School Leader should be filed with the Governing Authority President.

Filing a complaint or otherwise reporting discrimination, harassment, and/or bullying will not reflect upon the individual's status, will not affect future employment, grades, or work assignments. The right to confidentiality, for both the accuser and the accused, will be respected

consistent with the school's legal obligations; with the necessity to investigate allegations of misconduct; and with the necessity to take corrective action when this conduct has occurred.

#### Consequences

If the investigation finds an instance of discrimination, harassment, bullying, or aggressive behavior has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Governing Authority members. A first time offense of discrimination or harassment may be a dischargeable offense. Allegations of criminal misconduct will be reported to law enforcement. Suspected child abuse will be reported to Child Protection Services.

Any supervisor or employee who violates this policy by allowing the conduct to go unaddressed will be disciplined. Such disciplines may include reprimands, suspensions and/or removal.

#### Retaliation

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of discrimination, harassment, bullying, or aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Governing Authority policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as discrimination, harassment, bullying, or aggressive behavior. Making intentionally false reports for the purpose of getting someone in trouble, or intending to make it difficult to gather truthful information, is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action.

#### DEFINITIONS

The following definitions are provided for guidance only. If a student or other individual believes there has been discrimination, harassment, bullying, or aggressive behavior, regardless of whether it fits a specific definition, the student, or employee should report it and allow the administration to determine the appropriate course of action.

Bullying is defined as a person willfully and repeatedly exercising power or control over another with hostile or malicious intent (i.e., repeated oppression, physical or psychological, of a less powerful individual by a more powerful individual or group). Bullying can be physical, verbal (oral or written), electronically transmitted, psychological (e.g., emotional abuse), through attacks on the property of another, or a combination of any of these. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling, taking, and/or damaging personal belongings or extorting money, blocking, or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/ shunning, extortion, or intimidation.
- D. Cyber-bullying – the use of information, communication technologies, or social media such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal web sites, and defamatory online personal polling web sites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others.

Cyber-bullying includes, but is not limited to the following:

1. Posting slurs or rumors or other disparaging remarks about a student on any social-media.
2. Sending emails or social media messages that are mean or threatening, or so numerous as to drive-up the victims cell phone bill, or are beyond the number of messages that a reasonable person expects to receive.
3. Using a camera phone to take and share embarrassing photographs of students.
4. Posting misleading or fake photographs of students on web sites or other social media outlets.

Harassment, intimidation, or bullying means any act that includes, but is not limited to, actions that subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature; that substantially interferes with a person's educational benefits, opportunities, or work performance; has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment; adversely affects an individual's academic or employment opportunities. Or that has the effect of:

- A. physically harming a student or damaging a student's property;
- B. knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
- C. creating a hostile educational environment.

Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. This type of behavior is a form of intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or

disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyber-bullying, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing.

Intimidation includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury.

Menacing includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

Racial or color harassment can include unwelcome verbal, written, or physical conduct, directed at characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments, or manner of speaking and negative references to racial customs.

National origin and limited English skills harassment is unwelcome verbal, written or physical conduct, directed at the characteristics of a person's national origin and/or limited English skills, such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

Age harassment is unwelcome verbal, written or physical conduct, directed at the characteristics of a person's age, such as name calling.

Sexual Orientation harassment is unwelcome verbal, written or physical conduct, directed at the characteristics of a person's sexual orientation, such as name calling, and imitating mannerisms.

Disability Harassment includes any unwelcome verbal, written, or physical conduct directed at the characteristics of a person's disabling condition such as imitating manner of speech or movement or interference with necessary equipment.

Sexual Harassment is any unwelcome sexual attention or behavior. Sexual harassment is determined by the effect on the receiver, not the intent of the harasser. 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 educational decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance 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.

Examples of sexual harassment 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.

Sexual harassment includes gender-based harassment, that 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.

Sexual violence is a form of sexual harassment and refers to physical 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.

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

Staff includes all school employees and Governing Authority members.

Third parties include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in school business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

### EDUCATION AND TRAINING

Notice of this policy will be posted in conspicuous locations in the school building and discussed in an age appropriate manner with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at the school. All staff will be required to annually review and sign off on this policy and the related complaint procedure.

Semiannually the administration will provide to the Board President a written summary of all reported incidents of discrimination, harassment, bullying, and other forms of aggressive behavior, and will post the summary on its web site to the extent permitted by section 3319.321 and the Family Educational Rights and Privacy Act.

The Administration is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Administration shall be followed.

### PRIVACY/CONFIDENTIALITY

The School will respect the privacy of the complainant, the individual(s) against who the complaint is filed, and the witnesses as much as possible, consistent with the Governing Authority's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

### LEGAL REFS:

ORC 117.53; 2307.44; 2903.31; 3301.22; 3313.666; 3313.667; 3319.073; 3319.321.  
34 CFP, Part 106; 20 USC 1681 et.seq.

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