

## **ANTI-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-BULLYING**

### GENERAL STATEMENT OF THE POLICY

The Bexley City School District is committed to providing students with a safe and secure and supportive classroom and school environment, conducive to academic learning, extra-curricular learning, and the development of healthy human relationships. It is the policy of the District to maintain a safe and supportive learning and working environment that is free from all forms of discrimination, harassment, including bullying, and physical or emotional harm. This policy specifically includes discrimination, harassment, or bullying related to race, color, national origin, gender, handicap, age, sexual orientation, religion or limited English skills. It also includes acts that may not relate to any particular characteristic.

No student of the district shall be subjected to discrimination, harassment or bullying. No school personnel of the district shall be subjected to discrimination or harassment. This policy applies to conduct during or relating to school or school-sponsored activities, on or off school property, and to conduct that occurs away from school that has the effect of interfering with a safe and secure school environment conducive to academic learning, extra-curricular learning, and/or the development of healthy human relationships. This policy does not preclude the application of any provisions of State law that apply to student and teacher behavior; nor does this policy apply to speech that is otherwise protected under the state or federal constitution.

1. Within his/ her school or area of supervision, each administrator is responsible for promoting understanding, acceptance, and assuring compliance with State and Federal laws, Board policy, and procedures governing discrimination, harassment and/ or bullying.
2. The District acts to investigate all complaints, either formal or informal, verbal or nonverbal, of discrimination, harassment and/or bullying; and to discipline or take appropriate action against any student, teacher, administrator, other school personnel, or those whose actions have the effect of interfering with a safe and secure school environment.
3. Under the District policy, 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.
4. The District will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against (or attempts to retaliate against) any person who reports alleged discrimination, harassment,

bullying, or violence; files a complaint of harassment, testifies, assists or participates in any investigation, hearing or proceeding related to such discrimination, harassment, bullying or violence. Retaliation includes, but is not limited to, any form of threat, intimidation, reprisal or discrimination.

### Notice and Training

Notice of this policy will be circulated to all schools and departments of the District and incorporated in staff and student handbooks, be available in school offices and the district office. All school staff, including coaches and any others who, at the district request have responsibility for students, will be provided yearly training to recognize and respond to discrimination, harassment, and/or bullying incidents.

### Procedures

Any person who alleges discrimination, harassment and/or bullying by a staff member or student in the District may use the procedure detailed in the District's Anti-Discrimination, Anti-Harassment, Anti-Bullying Complaint Procedure (Policy AC-R/ ACAA-R). Filing a complaint or otherwise reporting discrimination, harassment and/or bullying will not reflect upon the individual's status, nor will it affect future employment, grades or work assignments.

The right of confidentiality, for both the accuser and the accused, will be respected consistent with the District'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

A substantiated charge against a student in the District shall subject that student to disciplinary action consistent with the Student Code of Conduct, which may include suspension or expulsion.

A substantiated charge against a staff member in the District shall subject that staff member to disciplinary action, up to and including termination. A first time offense of discrimination or harassment may be a dis-chargeable offense. Allegations of criminal misconduct will be reported to law enforcement, and 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 discipline may include reprimands, suspensions and/or removal.

### DEFINITIONS

### Nondiscrimination

The District, in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, does not discriminate on the basis of race, color, national origin, gender, handicap or age in any of its policies, procedures or practices; nor does the District discriminate on the basis of sexual orientation, religion or limited English skills. This nondiscrimination policy covers student access to courses and programs, student policies and their application, and participation in and benefits of any activity in the District. The District will take any measures necessary to effectuate the requirements of these acts.

### Anti-Harassment

It is a violation of this policy for any student, teacher, administrator, other school personnel, or those in a school building or attending a school function to harass a student, teacher, administrator or other school personnel through conduct or communication verbally or in writing by any medium. Harassment can be of a sexual nature, or regarding race, color, national origin, limited English skills, ethnicity, gender, disability, age, sexual orientation, religion, or having the effect of intentionally to hurt, frighten, threaten, or intimidate. A single incident may be sufficient for disciplinary action.

Harassment:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance; or
3. otherwise adversely affects an individual's academic or employment opportunities.

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

National Origin and Limited English Skills Harassment: Harassment on the basis of national origin 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.

Gender (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.

Sexual harassment occurs when:

1. an individual is subject to unwelcome sexual behavior or advances and submission is made a term or condition of a person's employment or advancement or of a student's participation or advancement in school programs or activities;
2. decisions affecting employees or students are based on submission to or rejection of such sexual behavior or,
3. a hostile, intimidating, uncomfortable, offensive or nonproductive work or learning environment is created by any type of unwelcome sexual behavior.
4. Gender (sexual) harassment may include but is not limited to the following:
  - a. verbal harassment or abuse of a sexual nature
  - b. pressure for sexual activity
  - c. repeated remarks with sexual or demeaning implications
  - d. unwelcome touching
  - e. sexual jokes
  - f. sexual materials, posters, etc.
  - g. sexually suggestive gestures or looks
  - h. name-calling of a sexual nature
  - i. sexual rumors
  - j. sexual assault
5. Gender (sexual) harassment may occur
  - a. student to student
  - b. staff to student
  - c. student to staff
  - d. staff to staff
  - e. male to male
  - f. female to female
  - g. male to female
  - h. female to male

Disability Harassment: Disabled person means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Disability harassment includes harassment

based on a person's disabling mental or physical condition and 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.

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

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

Religious Harassment: Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

### Bullying

Bullying may occur when a student or group of students intentionally keeps hurting, frightening, threatening or excluding another student, or participates in organizing others to do so. Bullying may be verbal, written by any medium, relational, or be physical behavior over some duration. Bullying impacts in the following ways:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or school environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or school performance;
3. has the effect of damaging an individual's emotional or social well being; or
4. otherwise adversely affects an individual's academic or schooling opportunities.

Bullying incidents may include but are not limited to the following:

- a. physical violence or assaults (hitting, kicking, pushing)
- b. threats, taunts and intimidation through words and/or gestures
- c. extortion, damage or stealing of money and/or possessions
- d. sexual (unwanted physical contact, attention, comments, images)
- e. homophobic (focusing on sexuality or sexual preference)
- f. name-calling and/or put-downs
- g. spreading rumors or gossip, or purposefully reporting false information
- h. using electronic devices to circulate gossip and rumors, sending abusive, harassing or threatening e-mail, instant messages or other cyber-bullying.

Adoption date: [November 1995, December 20, 1999]

[Re-adoption date: November 17, 2003; December 17, 2007]

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  
Rehabilitation Act; 29 USC 794  
Individuals with Disabilities Education Act; 20 USC 1401 et seq.  
Age Discrimination in Employment Act; 29 USC 623  
Immigration Reform and Control Act; 42 USC 1324a et seq.  
Americans with Disabilities Act; 42 USC 12112 et seq.  
Ohio Const. Art. I, Section 2  
ORC 3323.01  
ORC 3313.666; 3301.22; 3319.321  
Family Educational Rights and Privacy Act of 1974,  
88 Stat.571.20 U.S.C. 1232g, as amended  
Chapter 4112  
OAC 3301-35-02(A)(1); 3301-35-03(A)

CROSS REFS.: ACA, Nondiscrimination on the Basis of Gender  
ACAA, Sexual Harassment  
ACB, Nondiscrimination on the Basis of Disability  
GBA, Equal Opportunity Employment  
GBO, Verification of Employment Eligibility  
IGAB, Human Relations Education  
IGBA, Programs for Students with Disabilities  
IGBAA, 504 Procedural Safeguards  
IGBI, English as a Second Language (Limited English Proficiency)  
IGBJ, Title I Programs  
JB, Equal Educational Opportunities  
JFC, Student Conduct (Zero Tolerance)  
JFCF, Anti-Hazing  
Staff Handbooks  
Student Handbooks

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