

## **EAST CLEVELAND CITY SCHOOL DISTRICT'S SEX DISCRIMINATION AND SEXUAL HARASSMENT POLICY COVERING EMPLOYEES**

No employee 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.

The East Cleveland City School District is mandated to provide a Sex Discrimination and Sexual Harassment Policy Covering employees.

No employee 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.

An employee's right to freedom from discrimination on the basis of sex includes the opportunity to work 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.

It shall be a violation of this policy for any District employee, student, or third party to discriminate on the basis of sex against an employee, or to harass an employee through conduct or communications of a sexual nature as defined below. This includes harassment by a supervisor or another co-employee.

### **Definition of Sexual Harassment**

1. Sexual harassment of employees is unwelcome conduct of a sexual nature. Such conduct can include unwelcome sexual advances, requests for sexual favors, and verbal, nonverbal or physical contacts of a sexual nature when submission to such conduct is made a condition of employment or a basis of an employment decision. Sexual harassment also may be found to have occurred when the above-mentioned conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.

2. Sexual harassment, as defined above, may include but is not limited to the following:
  - a) Basing an evaluation, recommendation, transfer, etc. on an employee's refusal or submission to sexual advances.
  - b) Jokes, stories, cartoons, or pictures that convey a sexual message, and/or place the opposite sex in demeaning roles, thereby creating a hostile working environment for the sex which is the subject of the jokes, stories, cartoons, or pictures.
  - c) Unwelcome touching.
  - d) All types of verbal harassment and abuse of a sexual nature.
  - e) Pressure for sexual activity.
  - f) Any other remarks or actions to a person, with sexually demeaning implications.
3. Unwelcome: Conduct is unwelcome if the employee 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.

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 employee's work status or future employment.

### Discipline

A substantiated charge against an employee in the School District shall subject that employee to disciplinary action.

### Complaint Procedure

Any employee who alleges sex discrimination or sexual harassment by any District employee, student, or third party may complain to the building principal or immediate supervisor, or directly to the Title IX Coordinator through the Title IX Grievance Procedure as set forth in Board Policy.

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

Andratesha Fritzgerald  
Director of Federal Programs  
1843 Stanwood Road  
Cleveland, OH 44112-2707  
216-268-6600, Ext. 1002

**EAST CLEVELAND CITY SCHOOL DISTRICT'S TITLE IX GRIEVANCE  
PROCEDURE FOR EMPLOYEES AND STUDENTS**

The Board of Education, employees, students and third parties shall not discriminate on the basis of sex, including sexual harassment, in any of the program or activities of the School District.

The East Cleveland City School District is mandated to provide a grievance procedure for Title IX complaints for employees and students.

The Board of Education, employees, students, and third parties shall not discriminate on the basis of sex, including sexual harassment, in any of the programs or activities of the School District.

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

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The Title IX Coordinator's duties shall include, but not be limited to, coordinating the School District's effort to comply with and carry out its responsibilities under Title IX and carry out an investigation of any complaint communicated to the School District alleging its noncompliance with Title IX or alleging any actions which would be prohibited by Title IX in accordance with the procedures set forth hereinafter. The Title IX Coordinator may be assisted by such additional personnel as from time to time may be appointed.

Complaints involving alleged discrimination on the basis of sex in any District program or activity, including complaints of sexual harassment, shall be handled in accordance with the following procedure unless a policy has been adopted to deal with the specific discrimination. If a more specific policy exists, that policy shall be followed.

Step 1: Any student or employee who has a complaint of alleged sex discrimination may attempt promptly to resolve the complaint by discussion with the building principal or immediate supervisor in case of classified employees. If the building principal or immediate supervisor is the subject of the complaint, the complaint may be discussed with the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint may be discussed with the Superintendent or the Board. The individual who receives the complaint shall keep a written record of the discussion and provide a copy to the student or employee involved.

Step 2: If the complaint is not resolved in Step 1, or if the student or employee elects not to use Step 1, the student or employee may, within ten (10) calendar days of the alleged discrimination, file a complaint in writing with the Title IX Coordinator. The complaint shall be in writing and describe, in as much detail as possible, the facts of the situation, including the following information: name and address of the complainant; the date and nature of the alleged discriminatory act; names of the persons responsible; names of possible witnesses; the relief requested; and any other information thought relevant. The Title IX Coordinator shall provide for interim measures deemed necessary to protect the complainant from further harassment or retaliation during the course of the investigation.

Step 3: Within ten (10) calendar days of receiving the written complaint, the Title IX Coordinator shall arrange a meeting to discuss the complaint with the complainant and/or the person named in the complaint. The Title IX Coordinator may review any relevant documents submitted by either party and interview possible witnesses to the alleged discriminatory action.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the District's legal obligation, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

Step 4: The Title IX Coordinator shall give a written answer to the complainant and the person named in the complaint by certified mail, return receipt requested, within ten (10) calendar days after completing his or her review of the complaint. If harassment is found to have occurred, the Title IX Coordinator shall recommend what steps are necessary to ensure that the discrimination and/or harassment is eliminated for the complainant and other individuals affected and to correct its discriminatory effects on the complainant and others, if appropriate.

Step 5: If the decision rendered by the Title IX Coordinator does not resolve the complaint to the satisfaction of the complainant, such person can, within ten (10) calendar days, appeal in writing to the Board. The notice of appeal shall be sent to the Title IX Coordinator and a copy filed with the Treasurer of the Board. Failure to file such appeal within ten (10) calendar days from the receipt of the written memorandum of the Title IX Coordinator's action on the complaint shall be deemed a waiver of the right to appeal. The Superintendent shall place the matter on the agenda for the next meeting of the Board to be held within thirty (30) days, and the complainant shall be advised in writing of the time, place, and date of the meeting.

The complainant and the person named in the complaint shall receive written notice of the meeting no less than five (5) calendar days in advance of the meeting. The Board shall act upon such appeal officially no later than its next regular meeting following the meeting with the complainant. Copies of the final decision shall be sent to the complainant, the person named in the complaint, the Title IX Coordinator, and building principal or supervisor. The decision of the Board shall be final.

If the grievance cannot be resolved through the above procedure, a request for an official interpretation may be filed with the U.S. Department of Education - Office for Civil Rights, 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611.

### **EAST CLEVELAND CITY SCHOOL DISTRICT'S 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.

The East Cleveland City School District is mandated to provide a Sex Discrimination and Sexual Harassment Policy Covering Students, therefore be it

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  
1843 Stanwood Road  
Cleveland, OH 44112-2707  
216-268-6600, Ext. 1002

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.

