

MANDATORY

PROHIBITION AND REPORTING OF SEXUAL ABUSE

The Board prohibits employee and/or student conduct constituting sexual abuse toward an employee or student. Sexual abuse of a student or employee means unlawful sexual conduct or sexual contact, as defined in O.R.C. §2907.01, and other forms of unlawful sexual conduct or contact.

The Assistant Superintendent or middle school principal is appointed as the sexual abuse prevention coordinator, who shall report to the Superintendent.

A. Sexual Abuse of Employees

It shall be a violation of this policy for any member of the District staff or a third party (i.e., visiting speaker or a visiting athletic team) or student to sexually abuse an employee.

1. Complaint Procedure

- a. Retaliation against those who file a complaint or participate in the investigation of the complaint is prohibited.
- b. The intent of the following reporting procedure is to provide a quick and fair resolution of complaints of sexual abuse.
- c. The staff member desiring to file a sexual abuse complaint must present the complaint, in writing to the Superintendent. The Superintendent or his/her designee shall investigate the matter unless otherwise designated by the Board.
- d. If the Superintendent is the employee alleged to have engaged in the sexual abuse, the complaint shall be sent directly to the President of the Board of Education. The Board will either conduct the investigation set out below, or appoint an investigator in its place.
- e. 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.

2. Discipline

If sexual abuse is found to have occurred, the person who engaged in such abuse will be disciplined in accordance with state and federal laws.

B. Sexual Abuse of Students

It shall be a violation of this Policy for any member of the District staff, students, or third parties (i.e., visiting speaker, or visiting athletic team) to sexually abuse students.

1. Complaint Procedure

- a. Any student who alleges sexual abuse by any staff member, student, or third party in the District may complain directly to the Coordinator, guidance counselor, teacher, Superintendent, any other school employee whom the student trusts, or any other individual designated to receive such complaints.
- b. 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 abuse will not reflect upon the student's status nor will it affect future employment, grades, or work assignments. The person to whom the complaint was made shall within one (1) school day report the complaint to the Coordinator. If the Coordinator or Superintendent is the employee alleged to have engaged in the sexual abuse, the report shall be made to the Board of Education.
- c. 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.

Often the information a District receives regarding sexual abuse is not always provided through the official complaint process or communicated to the individual designated to receive such complaints. Therefore, any teacher, counselor, administrator, or other school employee who receives a report or information, verbally or in writing, from any student regarding sexual abuse of that student must forward that report or information to the building principal or Coordinator within one (1) school day or within a reasonable period of time if there is a good cause for the delay. Any building principal receiving a report or information of sexual abuse shall promptly notify the Coordinator. If the school employee has a good faith belief that the conduct complained of constitutes child abuse, they must immediately report such abuse to the proper authorities in accordance with Ohio law.

2. Discipline

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

C. Investigation (Student and Employee)

1. The investigator should remember that the investigation requires a balancing of the accused's right to preserve his/her good name, the complainant's right to an environment free of sexual abuse, and the Board's interest in a prompt and fair investigation.
2. The investigator shall meet with the complainant within a period not to exceed five (5) school days from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.
3. Following the meeting with the complainant, the investigator shall conduct an investigation to determine if sexual abuse 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 abuse has occurred. The investigation shall include the opportunity to present witnesses and other evidence, written documentation of such investigation, including documents and witness statements.

D. Post-Investigation Procedures (Student and Employee)

1. 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 abuse, was found not to have engaged in abuse, or whether the investigation was inconclusive. The report shall be issued to the complainant, if an employee, or to the complainant's parents, if a student. A copy of the report shall also be sent to the Superintendent or his/her designee.
2. A finding of no abuse or inconclusive evidence shall end the investigation.
3. If abuse is found to have occurred, the investigator shall recommend what steps are necessary to ensure that the abuse is eliminated for the victim and other individuals affected by the sexual abuse and to correct its discriminatory effects on the complainant and others, if appropriate.

LEGAL REFS: Title IX of the Education Amendments of 1972
20 CFR 1604.11

Adopted: 10/2006 Revised 6/18/2007