

DAYTON REGIONAL STEM SCHOOL POLICY AGAINST DISCRIMINATION AND UNLAWFUL HARASSMENT

Dayton Regional Stem School (“DRSS”) is committed to ensuring that every member of the DRSS has the right to learn or work in a safe atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. DRSS relationships on campus are to be respectful and free of bias, prejudice, and harassment and all members of the DRSS community share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment by students, employees, or third parties.

Definitions of Harassment

Sexual Harassment

Sexual harassment of any kind is contrary to the culture of DRSS and will not be tolerated. Sexual harassment constitutes discrimination and is unlawful under federal, state and local laws. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to:

- Unwelcome sexual advancements, leering, sexual flirtations or propositions
- Unwelcome sexual slurs, epithets, verbal abuse, derogatory comments or sexual degrading descriptions.
- Graphic verbal comments about an individual’s body, or overly personal conversation
- Sexual jokes, stories, drawings, pictures or gestures, including digital media
- Spreading sexual rumors
- Teasing or sexual remarks about students enrolled in a predominantly single-sex class
- Touching an individual’s body or clothes in a sexual way, or in a way that may be construed as sexual
- Purposefully limiting a student’s access to educational tools
- Cornering or blocking of normal movements
- Displaying sexually suggestive objects in the educational environment
- Any act of retaliation against an individual who reports a violation of the school’s sexual harassment policy or who participates in the investigation of a sexual harassment complaint
- Request for sexual favors regardless of the seriousness of the request, i.e., to say “I was just joking” does not excuse the statement

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual’s education, or creates a hostile or abusive educational environment.

Non-sexual Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under

this this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of:

- race, color, religion, national origin, ancestry, citizenship status, sex, sexual orientation, gender identity, marital status, age, disability, military service or veteran status, pregnancy, childbirth or related conditions
- any other characteristic protected by law, and that:
- is sufficiently severe, pervasive, and persistent such that it adversely affects an individual's education, or creates a hostile or abusive educational environment.

Harassing conduct includes, but it is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; derogatory jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual group.

Definitions of Sexual Violence

Sexual violence is a criminal matter and includes, but is not limited to; rape, sexual assault, sexual battery, sexual coercion; or “any sexual act directed against another person, forcible and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.” Victims of sexual violence are strongly encouraged to report the matter to law enforcement agents immediately. Victims should also file a Title IX complaint (Title IX of the Educations Amendments of 1972 prohibits discrimination and harassment based on sex), whether the incident occurred on or off campus, if the act of violence was perpetrated by a student or employee of DRSS. In all cases, victims of sexual violence will be directed to seek services from community crisis counseling providers.

Individuals and Conduct Covered

These policies apply to all students and employees of DRSS community, as well as third parties such as persons providing contracted services or persons volunteering at or attending school activities. Conduct prohibited by these policies is unacceptable in all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs occur on campus, on a bus, or at another location away from campus. Individuals who violate these policies will be subject to disciplinary action, up to and including suspension or expulsion (if a student), suspension or termination of employment (if an employee), or being banned from campus (if a third party). Law enforcement officials also will be notified when appropriate.

In accordance with its obligations under federal law, DRSS reserves the right to investigate reports of harassment occurring between students and other members of the school community, regardless of whether the alleged harassment occurred on or off school grounds; during or outside school hours; or using school-owned or personally-owned electronic devices (e.g., postings to digital media and electronic forums such as Twitter and Facebook or text messages).

Retaliation Is Prohibited

DRSS encourages reporting of all perceived incidents of discrimination or harassment and will investigate such reports promptly. DRSS prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation against an individual for reporting discrimination or harassment or for participation in an investigation of a claim of discrimination or harassment is a serious violation of this policy and, like harassment or discrimination, will subject an individual to disciplinary action. Acts of retaliation should be reported immediately and will be investigated and corrective action taken promptly. Corrective action may include suspension, expulsion, and, in egregious situations, the involvement of law enforcement officials.

Complaint Procedures – Reporting an Incident of Discrimination, Harassment, Sexual Violence or Retaliation

Early reporting and intervention has proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment, so DRSS encourages prompt reporting of all perceived incidents of discrimination, harassment, sexual violence, or retaliation, regardless of the offender's identity or position. All DRSS employees are required to immediately report such incidents in writing to the school's Title IX Coordinator regardless of whether it is based on the employee's own observations, on information from the student, the student's parent, or a third party. An employee who observes such acts is expected to intervene, unless circumstances would make such intervention dangerous. All complaints of discrimination, harassment, sexual violence, or retaliation will be promptly and equitably investigated. The Title IX Coordinators are and will be sufficiently qualified and trained to address all complaints throughout DRSS. Each Coordinator will update his or her training annually. However, in a case where the school's Title IX Coordinator is alleged to have engaged in an incident of discrimination, harassment, sexual violence or retaliation, such incidents should be reported to the Superintendent.

Informal Complaint Procedure

As an initial step, as long as they feel comfortable doing so, individuals who believe they have been subject to discrimination or harassment are encouraged to promptly advise the alleged offender that his or her behavior is unwelcome and request that it be discontinued. In some cases, an offender may not realize his/her behavior is offensive and being perceived as harassment. This action alone may sometimes resolve the problem. The Title IX Coordinator is available to support an individual taking this initial step.

DRSS recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures. If for any reason an individual does not wish to address the offender directly, or if addressing the offender does not successfully end the offensive conduct, the individual should notify, orally or in writing, the DRSS Title IX Coordinator or any other member of Leadership (identified at the end of this policy). Students may also report incidents to

the school nurse or teacher. All reports will be filed with the school's Title IX Coordinator (or Superintendent if the complaint involves a Title IX Coordinator), who will either facilitate an informal resolution or appoint another individual to facilitate an informal resolution.

Prior to pursuing the matter through informal procedures, the school's Title IX Coordinator or the individual appointed by the Title IX Coordinator will provide a full disclosure of the allegation(s) made by the reporting party to the responding party, inform the parties' options for formal resolution, and provide an opportunity for both parties to voluntarily agree to participate in the informal resolution. An informal resolution may involve meeting with the alleged offender to discuss the unwelcome nature of the behavior, or, if both parties agree, facilitating a meeting between the complainant and the alleged offender to work out a mutual resolution. The informal complaint procedure is intended to stop inappropriate behavior and facilitate resolution through informal means. It is not a prerequisite to the filing of a formal complaint and may be terminated at any time by either party to move to the formal process.

The informal complaint procedure is not intended for victims of sexual violence. **Victims of sexual violence should NOT approach the offender under any circumstances in an attempt to resolve the matter, and should file a police report as soon as possible after the attack has occurred.** An individual who is a victim of sexual violence and has filed a police report may file a complaint under DRSS's formal complaint procedures.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint procedure, or if an individual elects to file a formal complaint initially, the following procedures will be followed:

An individual who believes he or she has been subject to discrimination, harassment, sexual violence, or retaliation may file a formal complaint, orally or in writing, with the Title IX Coordinator. If a report is made to any other employee of DRSS, orally or in writing, about any complaint of discrimination, harassment, sexual violence, or retaliation, the employee must immediately report that information to the Title IX Coordinator. *A complaint form is available on the school's website.*

All allegations of discrimination, harassment, sexual violence, or retaliation will be investigated promptly. Members of the school's Leadership team and the Title IX Coordinator are responsible for investigating complaints. The Superintendent will designate the investigator unless the Superintendent has a conflict of interest in which case the School Board President shall make that designation. The investigators are and will be appropriately trained on Title IX requirements and be free of any conflicts of interest and biases for or against any party for each complaint investigation.

Typically, the investigation will begin with an interview of the alleged victim to obtain information regarding the identity(ies) of the alleged offender(s), the offensive conduct, the potential witnesses, and the desired resolution. The alleged victim will be offered an opportunity to submit any evidence that he or she believes is relevant to the investigation within 5 school days.

Within 5 school days of receiving the initial complaint, the alleged offender will be informed of the allegations and will be offered an opportunity to submit a written response to the allegations. The alleged offender's response and any supporting materials must be submitted within 5 school days. The investigator will then review the relevant documents and conduct additional interviews as necessary to determine whether there has been a violation of this policy. For instance, the investigator may conduct interviews with the alleged offender, the parent(s) or legal guardian(s) of the parties, and/or other individuals who may have observed the alleged conduct or may have other relevant knowledge. During the investigation, the investigator will keep both parties apprised of the status of the investigation, to the extent permitted under the Family Educational Rights and Privacy Act. The investigator will not require the alleged victim to appear in the same room as the accused.

Upon receiving a complaint, the investigator will consider whether any interim measures should be taken to protect the reporting and responding parties prior to or during an investigation. For instance, the investigator may determine that it is necessary to restrict contact between the parties, change schedules, assign a hall monitor until the investigation is concluded or provide other similar accommodations.

Although it will be conducted as soon as reasonably possible, the investigation may require up to 60 days to complete. Within 7 school days of the completion of the investigation, the investigator will prepare a report that summarizes the evidence gathered, states whether there was a policy violation, and makes recommendations of what, if any, action should be taken. In determining whether there has been a violation of policy, an investigator will consider a variety of factors, including but not limited to: the nature of the conduct, the age and maturity of the parties, the frequency of the conduct, the relationship between the parties, and whether the conduct adversely affected the victim's education or environment. The determination will be based on the totality of the circumstances and will be based on the "preponderance of the evidence" (i.e., it is more likely than not that a policy violation occurred). The investigator's recommendations may include discipline of the alleged offender up to and including suspension or expulsion (if a student) or suspension or termination of employment (if an employee).

Both parties will then be provided written notice of the outcome of the investigation within 10 school days of the investigation's completion. The written notice will state whether DRSS found that the alleged conduct occurred, any individual remedies offered to the reporting party or any sanctions imposed on the responding party that directly related to the reporting party, and other steps the school has taken to eliminate the hostile environment, if the school found one to exist. If either party is dissatisfied with the outcome, he or she may appeal to the Superintendent by filing a written notice of appeal within 5 school days of the date of the written notice of the outcome of the investigation. The Superintendent will timely inform the non-appealing party that an appeal has been filed. Within 10 school days of receiving the notice of appeal, the Superintendent will review the report prepared by the investigator, the investigator's file, and any other documents or materials provided by the parties and affirm, reverse, or revise the determination and recommendations of the investigator. Both parties will receive a written appeal decision. To the extent the Superintendent determines the parties should be heard, the alleged victim will not be required to appear in the same hearing room as the accused. If the Superintendent is the subject of the complaint or is not free of any conflicts of interest and biases for or against any party in the

appeal, the Superintendent will be recused from the appeal and replaced by the Board President. The Board President will have the same duties, responsibilities, and powers that the Superintendent would have in administering the appeal. Where there has been a policy violation, DRSS will make every reasonable effort to stop any conduct in violation of these policies and prevent recurrence and will also take steps to remedy the effects of any violation. Any appropriate remedial measures will be determined on a case-by-case, individualized basis.

Confidentiality and Recordkeeping

DRSS will make all reasonable efforts to protect the privacy of all parties involved in an investigation and to keep the complaint and investigation confidential. Confidentiality, however, cannot be guaranteed. For example, some details or identities may need to be revealed in order to fully investigate the complaint.

DRSS will take all reasonable steps to investigate and respond to the complaint consistent with the reporting party's request for confidentiality, as long as doing so does not prevent the school from responding effectively to the alleged discrimination, harassment, sexual violence or retaliation. In accordance with its regular recordkeeping practices, DRSS will maintain records of all complaints of discrimination, harassment, sexual violence, or retaliation.

False Claims of Sexual Harassment, Retaliation, and/or Discrimination

To ensure fairness, DRSS reserves the right to discipline a student who intentionally makes a false accusation of harassment, sexual violence, retaliation, and/or discrimination. A complaint will not be considered false solely because it cannot be corroborated, but will be based upon all of the facts and circumstances. Disciplinary action for intentionally making false claims may include suspension or expulsion.

Conclusion

DRSS has developed this and related policies to ensure that everyone can learn and work in an environment free from harassment, discrimination, and retaliation. Towards that end, it will make every reasonable effort to ensure that the entire DRSS community is familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately. In addition to any individuals previously mentioned in this policy, complaints of discrimination, harassment, sexual violence or retaliation may be submitted to any of the following administrators:

Title IX Coordinator/High School Principal
Jessica Short
Jessica.Short@wright.edu
937-256-3777

Title IX Coordinator/Middle School Principal
Andrew Sears

Andrew.Sears@wright.edu
937-256-3777

High School Counselor
Steve Federinko
Steven.Federinko@wright.edu
937-256-3777

Middle School Counselor
Kate Gallup
Kate.Gallup@wright.edu
937-256-3777

Superintendent
Robin Fisher
Robin.Fisher@wright.edu
937-256-3777

School Board President
David Goldstein
David.Goldstein@wright.edu
937-775-2655