

M. Harassment, Intimidation, Bullying

As more fully set forth in the school's Policy on **Harassment**, Intimidation and Bullying, and Title IX, including by an electronic act, and attached as **Appendix 2** to this handbook, **harassment**, intimidation, or bullying behavior is strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include counseling, suspension, or expulsion from school. The school's commitment to addressing **harassment**, intimidation, and bullying, however, involves a multi-faceted approach, which includes education and the promotion of a school atmosphere in which this behavior will not be tolerated by students, faculty, or school personnel.

It is imperative that **harassment**, intimidation, and bullying be identified only when the specific elements of the definition are met, because the designation of the conduct of such behavior carries with it special statutory obligations. Any misconduct by one student against another student or staff, whether or not appropriately defined as **harassment**, intimidation, or bullying will result in appropriate disciplinary consequences for the perpetrator.

APPENDIX 2

HARASSMENT, INTIMIDATION, BULLYING, AND TITLE IX POLICY

The **Harassment**, Intimidation, Bullying, and Title IX Policy of [SCHOOL NAME] (the “School”), an Ohio non-profit corporation and tax-exempt organization, has been established to set forth requirements established by the United States Department of Education, the Ohio Department of Education, and the Ohio Revised Code, with respect to school policies prohibiting **harassment**, intimidation or bullying.

Article I: Harassment, Intimidation, and Bullying

Section I: Policy

It is the policy of the School that any form of bullying behavior, whether in the classroom, on school property, to and from school or at school-sponsored events, is expressly forbidden.

The disciplinary procedure for any student guilty of **harassment**, intimidation, or bullying shall not infringe on any student’s rights under the first amendment to the Constitution of the United States.

The School’s administration shall semiannually provide the president of the board of directors a written summary of all reported incidents and post the summary on its web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232q, as amended.

The School’s policy on **harassment**, intimidating and bullying shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students. Information regarding the policy shall be incorporated into employee training materials.

Any School employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with a policy adopted pursuant to this policy if that person reports an incident of **harassment**, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in this policy.

Except as provided in paragraph five (5) above, nothing in this section prohibits a victim from seeking redress under any other provision of the Ohio Revised Code or common law that may apply.

This policy does not create a new cause of action or a substantive legal right for any person.

Students who have been determined to have engaged in prohibited behaviors are subject to disciplinary action, which may include suspension or expulsion from school. The School’s commitment to addressing such prohibited behaviors, however, involves a multifaceted approach, which includes education and the promotion of a school atmosphere in which **harassment**, intimidation or bullying will not be tolerated by students, faculty or school personnel.

It is imperative that **harassment**, intimidation, or bullying be identified only when the specific elements of the definition are met because the designation of such prohibited incidents carry special statutory obligations. However, misconduct by one student against another student, whether appropriately defined or not, will result in appropriate disciplinary consequences for the perpetrator.

Section II: Definitions

Harassment, intimidation or bullying means either of the following:

Any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both:

Causes mental or physical harm to the other student;
Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.
Violence within a dating relationship.

Harassment, intimidation or bullying also means electronically transmitted acts i.e., Internet, cell phone, personal digital assistance (PDA) or wireless hand-held device that a student has exhibited toward another particular student more than once and the behavior both:

Causes mental or physical harm to the other student/school personnel; and
is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student/school personnel.

In evaluating whether conduct constitutes **harassment**, intimidation or bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.

A school-sponsored activity shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by The School.

Section III: Types of Conduct

Harassment, intimidation or bullying can include many different behaviors including overt intent to ridicule, humiliate or intimidate another student or school personnel. Examples of conduct that could constitute prohibited behaviors include:

Physical violence and/or attacks;
threats, taunts and intimidation through words and/or gestures;
extortion, damage or stealing of money and/or possessions;
exclusion from the peer group or spreading rumors; and
repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/online sites (also known as “cyber bullying”), such as the following:

Posting slurs on websites where students congregate or on web-logs (personal online journals or diaries);
sending abusive or threatening instant messages;
using camera phones to take embarrassing photographs of students and posting them online;
using websites to circulate gossip and rumors to other students; and
excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Section IV: Complaint Process

Publication of the prohibition against **harassment**, intimidation and bullying and related procedures.

The prohibition against **harassment**, intimidation or bullying shall be publicized in any student handbooks and in any of the publications that set forth the comprehensive rules, procedures and standards of conduct for students at the School. In addition, information regarding the policy shall be incorporated into employee training materials. The following statement shall be included:

Harassment, intimidation, or bullying behavior by any student/school personnel at the School is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. **Harassment**, intimidation, or bullying, in accordance with House Bill 276, means any intentional written, verbal, graphic or physical acts including electronically transmitted acts i.e., Internet, cell phone, personal digital assistant (PDA), or wireless hand-held device, either overt or covert, by a student or group of students toward other students/school personnel with the intent to harass, intimidate, injure, threaten, ridicule or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop that a reasonable person under the circumstances should know will have the effect of:

Causing mental or physical harm to the other student/school personnel including placing an individual in reasonable fear of physical harm and/or damaging of students'/personal property; and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/school personnel.

Section V: Complaints

Formal complaints

Students, parents or guardians may file reports regarding suspected **harassment**, intimidation or bullying. Such written reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected **harassment**, intimidation and/or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the principal for review and action in accordance with Section 7 of this policy.

Informal complaints

Students, parents or guardians and school personnel may make informal complaints of conduct that they consider to be **harassment**, intimidation and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of **harassment**, intimidation and/or bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s), and the names of any potential student or staff witness. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the above information. This written report by the school staff member and/or administrator shall be promptly forwarded to the principal for review and action in accordance with Section 7 of this policy.

Anonymous complaints

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that (i) does not disclose the source of the complaint, and (ii) is consistent with the due process rights of the student(s) alleged to have committed acts of **harassment**, intimidation and/or bullying.

False complaints

Students are prohibited from deliberately making false reports of **harassment**, intimidation or bullying. Any complaints made or reports filed alleging **harassment**, intimidation or bullying, as provided in this policy, found to be false will be disciplined according to current school disciplinary procedure(s) established and implemented and being consistent with due process rights of all students involved, including

the student(s) making such false claims. If it is found that a student made deliberately false claim(s) of **harassment**, intimidation, or bullying the student is subject to the full range of disciplinary consequences in accordance with Section 7 of this policy and being consistent with due process rights of the student making such false claims.

Section VI: School Personnel Responsibilities and Intervention Strategies

Teachers and other school staff

Teachers and other school staff who witness acts of **harassment**, intimidation or bullying, as defined above, shall promptly notify the building principal and/or their designee of the event observed, and shall promptly file a written incident report concerning the events witnessed. Teachers and other school staff who receive student or parent reports of suspected **harassment**, intimidation, and bullying shall promptly notify the building principal and/or their designee of such report(s). If the report is a formal, written complaint, such complaint shall be forwarded promptly (no later than the next school day) to the building principal and/or their designee. If the report is an informal complaint by a student that is received by a teacher or other professional employee, he or she shall prepare a written report of the informal complaint which shall be promptly forwarded (no later than the next school day) to the building principal and/or their designee. In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of **harassment**, intimidation or bullying in other interactions with students. School personnel may find opportunities to educate students about **harassment**, intimidation and bullying and help eliminate such prohibited behaviors through class discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of “**harassment**, intimidation or bullying.”

Administrator responsibilities

Investigation

The principal and/or their designee shall be promptly notified of any formal or informal complaint of suspected **harassment**, intimidation or bullying. Under the direction of the building principal and/or their designee, all such complaints shall be investigated promptly. A written report of the investigation shall be prepared when the investigation is complete. Such report shall include findings of fact, a determination of whether acts of **harassment**, intimidation or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

Notwithstanding the foregoing, when a student making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

Remedial actions

Verified acts of **harassment**, intimidation, or bullying shall result in an intervention by the building principal and/or their designee that is intended to ensure that the prohibition against **harassment**, intimidation or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.

Harassment, intimidation and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of **harassment**, intimidation and bullying. While conduct that rises to the level of “**harassment**, intimidation or bullying,” as defined above, will generally warrant disciplinary action against the perpetrator of such prohibited behaviors, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building principal. The following sets forth possible interventions for building principals to enforce the board of directors prohibition against “**harassment**, intimidation or bullying.”

Non-disciplinary interventions

When verified acts of **harassment**, intimidation or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of **harassment**, intimidation or bullying, its prohibition and their duty to avoid any conduct that could be considered harassing, intimidating or bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim’s communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

Disciplinary interventions

When acts of **harassment**, intimidation and bullying are verified, or a false claim alleging the same is substantiated, and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.

Expulsion may be imposed only after a hearing before the board of directors or an impartial hearing officer designated by the board of directors in accordance with board policy. This consequence shall be reserved for serious incidents of **harassment**, intimidation or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

Intervention strategies

General

In addition to the prompt investigation of complaints of **harassment**, intimidation or bullying and direct intervention when such prohibited acts are verified, other board actions may ameliorate any potential problem with **harassment**, intimidation or bullying in school or at school-sponsored activities. While no specific action is required and school needs for such interventions may vary from time to time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:

- Respectful responses to **harassment**, intimidation or bullying concerns raised by students, parents or school personnel;
- planned professional development programs addressing targeted individuals’ problems, including what is safe and acceptable Internet use;
- data collection to document victim problems to determine the nature and scope of the problem;
- use of peers to help ameliorate the plight of victims and include them in group activities;

avoidance of sex-role stereotyping (e.g., males need to be strong and tough);
awareness and involvement on the part of all school personnel and parents with regard to victim problems;
an attitude that promotes communication, friendship, assertiveness skills and character education;
modeling by school personnel of positive, respectful and supportive behavior toward students;
creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others (Ohio School Climate Guidelines);
employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
form **harassment**, intimidation and bullying task forces, programs and other initiatives involving volunteers, parents, law enforcement and community members.

Intervention strategies for protecting victims

Supervise and discipline offending students fairly and consistently;
provide adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition;
maintain contact with parents and guardians of all involved parties;
provide counseling for the victim if assessed that it is needed;
inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; and
check with the victim daily to ensure that there has been no incidents of **harassment**/intimidation/bullying or retaliation from the offender or other parties.

Section VII: Reporting Obligations

Report to the parent or guardian of the perpetrator

If after investigation, acts of **harassment**, intimidation and bullying by a specific student are verified, the building principal and/or their designee shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.

Reports to the victim and his/her parent or guardian

If after investigation, acts of bullying against a specific student are verified, the building principal and/or their designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such **harassment**, intimidation and bullying.

List of verified acts of **harassment**, intimidation or bullying

It is a requirement that the School administrators semiannually provide the president of the board of directors a written summary of all reported incidents and post the summary on the School website. The list shall be limited to the number of verified acts of **harassment**, intimidation and bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

This policy shall not be interpreted to prohibit a reasonable and civil exchange of opinions or debate that is protected by state or federal law such as the nondiscrimination, suspension/expulsion, due process, violent and aggressive behavior, hazing, discipline/punishment, sexual **harassment**, peer sexual **harassment** and equal educational opportunity acts.

Section VIII: Police and Child Protective Services

Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services, per required timelines. The School must also investigate for the purpose of determining whether there has been a violation of the School's Policy or Procedure, even if law enforcement or CPS is also investigating. All School personnel must cooperate with investigations by outside agencies.

In addition to, or instead of filing a **harassment**, intimidation or bullying complaint through this policy, a complainant may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of the Ohio Revised Code or common law that may apply.

Section IX: Training

Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age-appropriate information on the recognition and prevention of **harassment**, intimidation or bullying, and their rights and responsibilities under this and other school policies, procedures and rules at student orientation sessions and on other appropriate occasions. Parents will be provided with information about this policy and procedure, as well as information about other school rules and disciplinary policies. This policy and procedure shall be reproduced in student, staff, volunteer and parent handbooks. Information regarding the policy on **harassment**, intimidation and bullying behavior shall be incorporated into employee and volunteer training materials and with direct contact with students. Time spent by school employees in the training, workshops or courses shall apply toward any state or school mandated continuing education requirements.

School personnel members are encouraged to address the issue of **harassment**, intimidation and bullying in other interaction with students. School personnel may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student or school personnel, even if such conduct does not meet the formal definition of "**harassment**, intimidation or bullying."

Policy References: ORC §§3313.666, 3313.667

APPENDIX 2

HARASSMENT, INTIMIDATION, BULLYING, AND TITLE IX POLICY

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