

## **Anti-Harassment, Anti-Intimidation, Anti-Bullying Policy**

A safe and civil environment is necessary for students to learn and achieve high academic standards. Harassment, Intimidation, and Bullying are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion. This policy details the School's prohibition of Harassment, Intimidation, and Bullying (including Cyber-Bullying).

### **I. Definitions:**

A. "Harassment, Intimidation, Bullying" means:

1. An intentional written, verbal, graphic, electronic, or physical act that a student or group of students has exhibited toward another student or school personnel (including volunteers or others serving the school), more than once, and the behavior:
  - a. Causes mental or physical harm to the victim; and
  - b. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment
2. Violence within a dating relationship

B. By Electronic Means/Cyber-Bullying: Harassment, Intimidation, Bullying includes electronic acts, which mean an act committed through the use of phones, PDAs, computers, electronic notebooks, game systems, or any other electronic or communication devices. (Harassment, Intimidation, Bullying conducted through electronic devices is sometimes referred to as "Cyber-Bullying".)

C. Location: Acts constituting Harassment, Intimidation, or Bullying subject to this policy must occur to and from school, on school grounds, at school-sponsored or sanctioned activities, or in school transportation in order for the School to be reasonably able to monitor and discern the conduct pursuant to this policy. Cyber-Bullying, subject to this policy, may occur beyond those locations but is covered by this Policy and is strictly forbidden under this Policy.

### **II. 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 conduct may include, but is not limited to:

1. Physical violence and/or attacks;
2. Threats, taunts and Intimidation through words and/or gestures;
3. Extortion, damage or stealing of money, property or possessions;
4. Exclusion from the peer group or spreading rumors;
5. Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear or suffering to the victim;

6. 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:
  - a. Posting slurs on websites or any form of social media;
  - b. Sending or posting abusive or threatening instant messages, emails, texts or communications via social media;
  - c. Using cameras or cameras on any devices to take private or embarrassing photographs of students and sending or posting them online or on any form of social media;
  - d. Using websites or other electronic communication to circulate gossip and rumors to other students;
  - e. Excluding others from an online group by falsely reporting them for inappropriate language to internet service providers.

### **III. Complaint Procedures of Harassment**

The following procedures shall be used for reporting, investigating and resolving complaints of harassment, intimidation and/or bullying (including cyberbullying).

All school administrations have the responsibility for conducting investigations concerning claims of harassment, intimidation and/or bullying. The investigator(s) shall be a neutral party not being involved in the complaint presented.

Any student ODLS employee, K12 employee or third party who has knowledge of conduct in violation of this policy or feels they have been a victim of behavior in violation of this policy **shall** immediately report his/her concerns.

Teachers and other school staff who witness acts of harassment, intimidation or bullying, as defined above, shall promptly notify the appropriate administrator or school 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 Learning Coach reports of suspected harassment, intimidation, and bullying shall promptly notify the appropriate administrator and 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 appropriate administrator or designee. If the report is an informal complaint by a student that is received by a teacher or other school employee, a written report of the informal complaint shall be promptly forwarded (no later than the next school day) to the appropriate administrator or 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 connect discussions, counseling, and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the propose or effect of ridiculing, humiliating or intimidating another student even if such conduct does not meet the formal definition of harassment, intimidation or bullying.

All complaints will be promptly investigated in accordance with the following procedures:

1. Any complaints, allegations or rumors of harassment, intimidation and/or bullying shall be presented to the appropriate administrator. Complaints against a principal shall be filed directly with the Head of School. Complaints against the Head of School shall be filed with the Board President. Information may be initially presented anonymously. All such information will be reduced to writing and should include the specific nature of the offense (e.g. the person(s) involved, number of times and places of the alleged conduct, the target of the suspected harassment, intimidation and/or bullying, and the names of any potential witnesses.) If the person filing the formal complaint is an adult, they must sign the charge affirming its veracity. If the person filing the formal complaint is a minor, they may either sign the charge or verbally affirm its veracity before two (2) administrators.
2. In determining appropriate action for each individual who commits an act of Harassment, Intimidation or Bullying (including a determination to engage in either non-disciplinary or disciplinary action, as described below), the School Leader will give the following factors full consideration:
  - a. The degree of harm caused by the incident(s);
  - b. The surrounding circumstances;
  - c. The nature and severity of the behavior;
  - d. The relationship between the parties involved; and
  - e. Past incidences or continuing patterns of behavior.
3. The administrator or Board President receiving the complaint shall promptly investigate. Learning Coaches will be notified of the nature of any complaint involving their student. The administrator or Board President will arrange such meetings as may be necessary with all concerned parties within five (5) work days after receipt of the information or complaint. The parties will have an opportunity to submit evidence as a list of witnesses. All findings related to the complaint will be reduced to writing. The administrator or Board President conducting the investigation shall notify the complainant and Learning Coaches as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined. A copy of the notification letter or the date and details of the notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Head of School. In providing such notification, care must be taken to respect the statutory privacy right, including those set forth in the R.C. § 3319.321 and the Family Educational Rights and Privacy Act of 1974, 88 Stat. 571, 20 U.S.C. 1232q of the perpetrator of such Harassment, Intimidation and Bullying.
4. If the complainant is not satisfied with the decision at step two, they may submit a written appeal to the Head of School or designee. Such appeal must be filed within ten (10) work days after receipt of the step two decision. The Head of School or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The Head of School or designee shall provide a written decision to the complainant's appeal with in ten (10) work days of the appeal being filed.

Documentation related to the incident, other than any discipline imposed or remedial action taken, will be maintained in a file separate from the student's education records or the employee's personnel file.

### **Anonymous Complaints**

Students making a complaint may request that their name be maintained in confidence by the school staff members or administrators 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 does not disclose the source of the complaint and is consistent with the due process rights of the students alleged to have committed acts of harassment, intimidation and/or bullying.

#### **IV. Publication Requirements**

This policy shall be publicized in student handbooks, Learning Coach handbooks and in other school publications that set forth comprehensive rules, procedures and standards of conduct for students. 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 of ODLS is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from the school. Harassment, intimidation or bullying in accordance with Ohio Revised Code 3313.666 means any intention written, verbal, graphic or physical act including electronically transmitted acts via the 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, including violence within a dating relationship, with the intent to harass, intimidate, injure, threaten, ridicule or humiliate. Such behaviors are prohibited at school sponsored activities which means any activity provided as part of the online curriculum and related resources, as well as any activity conducted on or off school property that is sponsored, recognized or authorized by the ODLS Board or the ODLS administration, that a reasonable person under the circumstances should know will have the effect of:*

- *Causing mental or physical harm to the other students including placing an individual in reasonable fear or 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 other students*

#### **V. Retaliation and False Charges**

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of harassment, intimidation and/or bullying is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as harassment, intimidation and/or bullying.

#### **VI. Remedial Actions**

Verified acts of harassment, intimidation or bullying shall result in an intervention by the appropriate principal or designee that is intended to provide that the prohibition against harassment, intimidation or bullying behavior is enforced, with the goals 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 or to what extent to impose disciplinary action (restrictions on computer access, suspension, expulsion) is a matter for the professional discretion of the appropriate principal and administrators. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action. 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 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.

In addition to the prompt investigation of complaints of harassment, intimidation, or bullying and direct intervention when such prohibited acts are verified, school personnel may take other action deemed appropriate to ameliorate any potential problem with harassment, intimidation or bullying in school or at school-sponsored activities. Strategies should also be implemented to protect the victim of alleged harassment, intimidation, and/or bullying from additional harassment, intimidation and/or bullying and from retaliation following a report. Such strategies may include more supervision or monitoring of the students involved, maintaining contact with parents or guardians of involved students, checking with the victim regularly to verify no further incidents.

## **VII. Prevention and Intervention Strategies**

In addition to the prompt investigation of complaints of Harassment, Intimidation, or Bullying, and direct intervention when such acts are verified, the School will consider potential strategies to protect victims from additional Harassment, Intimidation, or Bullying, and from retaliation following a report and to generally ameliorate the effects of Harassment, Intimidation, Bullying. The following potential strategies, as well as other strategies, may be considered:

5. Supervising and disciplining offending students fairly and consistently;
6. Providing adult supervision during breaks, lunch time, bathroom breaks and in the hallways during times of transition;
7. Maintaining contact with parents and guardians of all involved parties;
8. Providing counseling for the victim if assessed that it is needed;
9. Informing school personnel of the incident and instructing them to monitor the victim and the offending party for indications of harassing, intimidating, and Bullying behavior; instructing personnel to intervene when prohibited behaviors are witnessed;

10. Checking with the victim regularly to ensure that there have been no incidents of Harassment/Intimidation/Bullying or retaliation from the offender(s).
11. Responding respectfully to complaints of suspected prohibited conduct.
12. Promoting open communication regarding Harassment, Intimidation, Bullying.
13. Providing professional development and community opportunities to educate and collaborate with school personnel, parents, and community members about addressing Harassment, Intimidation, Bullying.
14. Educating students regarding Harassment, Intimidation, Bullying.
15. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior.
16. Avoiding sex-role stereotypes. Modeling and promoting strategies that instruct student how to work together in a collaborative and supportive atmosphere. Use of peers to help ameliorate the effects of Harassment, Intimidation, Bullying.

### **VIII. Training**

Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying, including dating violence prevention education in grades 9-12, and their rights and responsibilities under this and other ODLS policies, procedures, and rules, at student orientation sessions and on other appropriate occasions. Learning Coaches will be provided with information about this policy and procedure, as well as information about other ODLS rules and disciplinary policies. This policy and procedure shall be reproduced in student, staff, volunteer, and school handbooks.

Information regarding the policy on harassment, intimidation, and bullying behaviors shall be incorporated into training materials used with employees. The in-service education provided to high school employees shall include training in the prevention of dating violence. Time spent by school employees in the training, workshops, or courses shall apply toward any State or School District mandated continuing education requirements. **Police and Child Protective Services** Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services (CPS), according to the prescribed timelines. The School shall also investigate for determining whether there has been a violation of school policy, even if law enforcement or CPS officials are also investigating. All School personnel shall cooperate with investigations by outside agencies.

### **IX. Other Actions**

In addition to, or instead of, filing a harassment, intimidation, or bullying complaint through this policy, a complainant may choose to exercise other options allowed under applicable law. Any school employee, administrator or student who reports an incident of harassment, intimidation or bullying promptly in good faith and in compliance with the procedures specified in this policy should be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy.

- X. Semiannual Summary:** The Head of School shall provide the ODLS Board with a written summary of all reported incidents and post the summary on the ODLS website to the extent permitted by law.