

## **HARASSMENT, INTIMIDATION, AND BULLYING**

### Introduction

Harassment, intimidation, and bullying of students in the school environment (which includes school property, sponsored events, and all other related activities) can substantially interfere with their ability to learn, perform, and feel safe. Therefore, any conduct, communication, activity, or practice that occurs at any time, on school property or during any school sponsored event and at the times, and/or places set forth in the Code of Student Conduct, that constitutes harassment, intimidation, or bullying involving students shall be strictly prohibited. Students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school. Further, any such conduct, communication, activity, or practice should be immediately reported to the building principal or other responsible school employee. All reports of harassment not covered by this policy shall be investigated in accordance with the policies applicable to the particular harassment.

To implement this policy and to address the existence of harassment, intimidation, or bullying in the school, the following procedures shall be followed:

- A. Students must report acts of harassment, intimidation, or bullying to teachers, district employees, and/or school administrators;
- B. The parents or guardians of students should file written reports of suspected harassment, intimidation, or bullying with the building principal or other appropriate administrator;
- C. Teachers and other school staff who witness acts of harassment, intimidation, or bullying or receive student reports of harassment, intimidation, or bullying shall notify school administrators;
- D. School administrators shall investigate and document any written or oral reports.
- E. School administrators shall notify both the parents of a student who commits acts of harassment, intimidation, or bullying and the parents or guardians of students against whom such acts were committed, and to allow access to any written reports pertaining to the incident, to the extent permitted by O.R.C. § 3319.321 and the Family Educational rights and Privacy Act.

1. Definition of Harassment, Intimidation, or Bullying

In accordance with this policy, “harassment, intimidation, or bullying” means any intentional written, verbal, or physical act that a student has exhibited toward another particular student(s) or group of students more than once and the behavior both:

- A. Causes mental or physical harm to the other student(s) or group of students; and
- B. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

The behavior prohibited by this policy is marked by the intent to ridicule, humiliate or intimidate the victim. In evaluating whether conduct constitutes harassment, intimidation, or bullying, special attention should be paid to the words chosen or 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, of the perpetrator.

2. Conduct Constituting Harassment, Intimidation, or Bullying

Such conduct can take many forms and can include many different behaviors having overt intent to ridicule, humiliate or intimidate another student(s) or group of students. Examples of such conduct include, but are not limited to:

- A. Physical violence and/or attacks.
- B. Taunts, name-calling, and put-downs.
- C. Threats and intimidation (through words and/or gestures).
- D. Extortion or stealing of money and/or possessions.
- E. Exclusion from the peer group or spreading rumors.
- F. 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: (Exclusive to school property, sponsored events and all other school related activities)

1. Posting slurs on Web sites where students congregate on Web logs (personal online journals or diaries);
2. Sending abusive or threatening instant messages;
3. Using camera phones to take embarrassing photographs of students and posting them online;
4. Using Web sites to circulate gossip and rumors to other students; and
5. Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

### 3. Complaint Process

#### A. Formal Complaints

Students and/or their parents or guardians may file reports of conduct that they consider to be harassment, intimidation, or bullying. Such written reports shall be reasonably specific as to the actions giving rise to the suspicion or harassment, intimidation, or bullying, including person(s) involved, time and place of the conduct alleged, the number of such incidents, the target of such suspected harassment, intimidation, 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 building principal (and/or his/her designee) for review and action.

Teachers and other school staff who witness acts of harassment, intimidation, or bullying, as defined above, shall promptly notify the building principal (and/or his/her designee) of the event observed, and shall promptly file a written incident report concerning the events witnessed.

#### B. Informal Complaints

Students and/or their parents may make informal complaints of conduct that they consider to be harassment, intimidation, or bullying by verbal report to a teacher or administrator. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of harassment, intimidation, or bullying, including person(s) involved, time

and place of the conduct alleged, the number of such incidents, the target of such suspected harassment, intimidation, or bullying, and the names of any potential student or staff witness. A school staff member or administrator who receives an informal complaint shall promptly reduce the complaint to writing, including the information provided. Such written report by the school staff member and/or administrator shall be promptly forwarded to the building principal and/or his/her designee for review and action.

In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of harassment, intimidation, or bullying in other interaction with students. School personnel may find opportunities to educate students about harassment, intimidation, or bullying and help eliminate harassment, intimidation, or 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, even if such conduct does not meet the formal definition of "harassment, intimidation, or bullying."

#### 4. Confidentiality

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

#### 5. Investigation

- A. The investigator should remember that the investigation requires a balancing of the accused's rights, the complainant's right to an environment free of harassment, intimidation, or bullying, and the Board's interest in a prompt and fair investigation.
- B. The investigator shall meet with the complainant within a reasonable period of time from the time of making the complaint. However, the investigator is urged to meet with the complainant as soon as possible.
- C. Following the meeting with the complainant, the investigator shall conduct an investigation to determine if harassment, intimidation, or bullying 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 harassment, intimidation, or bullying has occurred.

#### 6. Post-Investigation Procedures

- A. Upon conclusion of the investigation, the investigator shall issue a written report. The report shall include a determination of whether the accused was found to have engaged in harassment, intimidation, or bullying, was found not to have engaged in harassment, intimidation, or bullying, or whether the investigation was inconclusive. The report shall be issued to the complainant's parents. A copy of the report shall also be sent to the Superintendent or his/her designee.
- B. A finding of no harassment, intimidation, or bullying or inconclusive evidence shall end the investigation.
- C. If harassment, intimidation, or bullying is found to have occurred, the investigator shall recommend what steps are necessary to ensure that the harassment, intimidation, or bullying is eliminated for the victim and other individuals affected by the harassment, intimidation, or bullying and to correct its effects on the complainant and others, if appropriate.

#### 7. Retaliation is Prohibited

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 harassment, intimidation, or bullying will not reflect upon the student's status, nor will it affect future employment, grades, or work assignments. Further, the administrator is directed to implement strategies for protecting a victim from retaliation following a report.

#### 8. Remedial Actions

Verified act of harassment, intimidation, or bullying shall result in intervention by the building principal or his/her designee that is intended to assure that the prohibition against harassment, intimidation, or bullying behavior is enforced, with the goal that any such harassment, intimidation, or bullying behavior will end as a result.

Harassment, intimidation, or bullying behavior can take many forms and can vary in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is not one prescribed response to verified acts of harassment,

intimidation, or 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 harassment, intimidation, or bullying, 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.

#### 9. Non-Disciplinary Interventions

When verified acts of harassment, intimidation, or bullying are identified early and/or when such verified acts of harassment, intimidation, or bullying 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 harassment, intimidation, or bullying. If a complaint arises out of conflict between students or groups of students, peer mediation may be considered.

#### 10. Disciplinary Interventions

When acts of harassment, intimidation, or bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences.

#### 11. Strategies for Protecting Victims

- A. Supervise and discipline offending students fairly and consistently.
- B. Provide adult supervision during recess, lunchtime, bathroom breaks, and in the hallways during times of transition;
- C. Maintain contact with parents and guardians of all involved parties.
- D. Provide counseling for the victim if assessed that it is needed.
- E. Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating, and the offending party for indications of harassing, intimidating, and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed;
- F. Check with the victim to ensure that there have been no further incidents of harassment/intimidation/bullying or retaliation from the offender or other parties.

In addition to the prompt investigation of complaints of harassment, intimidation, or bullying and direct intervention when acts of harassment, intimidation, or bullying are verified, other district 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:

- A. Respectful responses to harassment, intimidation, or bullying concerns raised by students, parents or school personnel;
- B. Planned professional development programs addressing bully/targeted individuals' problems;
- C. Data collection to document bully/victim problems to determine the nature and scope of the problem;
- D. Use of peers to help ameliorate the plight of victims and include them in group activities.
- E. Avoidance of sex-role stereotyping (e.g. males need to be strong and tough);
- F. Awareness and involvement on the part of all school personnel and parents with regards to bully-victim problems;
- G. An attitude that promotes communication, friendship, assertiveness skills, and character education;
- H. Modeling by staff of positive, respectful, and supportive behavior towards students;
- I. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;
- J. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmospheres; and/or
- K. Forming harassment, intimidation, and bullying task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

This policy shall appear in student handbooks, and in the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. Information regarding the policy shall be incorporated into employee training materials.

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 district policies, procedures, and rules at student orientation sessions and on other appropriate occasions.

A school district 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 section if that person reports an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures as specified in the policy.

The district administration will semi-annually provide the president of the Board a written summary of all reported incidents and post the summary on the district's website to the extent permitted by state and federal student privacy laws.

LEGAL REFS: O.R.C. §3313.666  
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Adopted: November 5, 2007

Firelands Local School District, Oberlin, Ohio