

## **COMPREHENSIVE SCHOOL HEALTH AND SAFETY POLICY**

This Safe School Policy has been developed in consultation with parents, School employees, School volunteers, students and community members. The School prohibits violence including harassment, intimidation, bullying, or any gang related activity in accordance with this Safe School Policy. The School is a drug-free and weapon-free school and does not tolerate the above-mentioned behavior whether in the classroom, on school property, on school-provided transportation, by electronic acts or at school-sponsored events, as it is expressly forbidden.

Harassment, intimidation, or bullying behavior, whether in the classroom, on school property, by electronic act, on school-provided transportation, or at school-sponsored events, is strictly prohibited, and students who are determined to have engaged in such behavior, whether in-person or by electronic act, are subject to disciplinary action, which may include counseling, suspension, or expulsion from school. The School's commitment to address 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 conduct of such behavior carries with it special statutory obligations. Any misconduct by one student against another student, whether or not appropriately defined as harassment, intimidation, or bullying will result in appropriate disciplinary consequences for the perpetrator.

### I. Definition of Terms:

#### A. "Harassment, intimidation, or bullying" means either of the following:

1. Any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student more than once and the behavior both:
  - a. Causes mental or physical harm to the other student;
  - b. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.
2. Violence within a dating relationship.

- B. “Electronic act” means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.
- C. “School-sponsored activity” means 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 Administrator, the Governing Authority, or the Ohio Department of Education.
- D. “Harassment, intimidation, or bullying” will not mean any action that would constitute protected free expression under the First Amendment to the Constitution of the United States and/or the Constitution of the State of Ohio.

In accordance with these definitions, the following factors should be considered before identifying conduct by a student or group of students as harassment, intimidation, or bullying in violation of the Policy. The determination that conduct does not constitute harassment, intimidation, or bullying under the Policy, however, does not restrict the right of the School Administrator to impose appropriate disciplinary consequences for the student misconduct.

Location. Harassment, intimidation, or bullying behavior in violation of the Policy must occur to and from school, by way of electronic act on school grounds, at school-sponsored activities or sanctioned events, or in school vehicles. Cyber-bullying may occur at locations away from those mentioned above and is also covered by this Policy and is strictly forbidden by the School.

Ridicule, humiliation, and/or intimidation. Harassment, intimidation, or bullying behavior is marked by the intent to ridicule, humiliate, or intimidate the victim. In evaluating whether conduct constitutes this behavior, 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.

## II. Types of Conduct

Harassment, intimidation or bullying can take many forms and can include many different behaviors having an overt intent to ridicule, humiliate, or intimidate another student. Prohibited conduct can include, but is not limited to, the following behavior, overt acts, and/or circumstances:

- A. Verbal, nonverbal, physical or written harassment, bullying, hazing or other victimization that has the purpose or effect of causing injury, discomfort, fear or suffering to the victim;
- B. Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear or suffering to the victim;
- C. Unreasonable interference with a student's academic performance or creation of an intimidating, offensive or hostile learning environment;
- D. Physical violence, attacks or both;
- E. Threats, taunts, and intimidation through words, gestures or both;
- F. Extortion, damage, or stealing of money, property, or personal possessions;
- G. Exclusion from the peer group or spreading rumors; or
- H. Repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies, cell phones and other web-based/online sites (also known as "cyber-bullying"), such as the following:
  - (i) Posting slurs on websites where students congregate or on web-logs (personal online journals or diaries);
  - (ii) Sending abusive or threatening instant messages;
  - (iii) Using camera phones to take embarrassing photographs of students and posting them online;
  - (iv) Using websites and cell phones to circulate gossip and rumors to other students;
  - (v) Excluding others from an online group by falsely reporting them for inappropriate language to internet service providers.

### III. Complaint Process – Reporting Prohibited Incidents

The complaint process for the Policy will follow the guidelines established below. In addition, the following information provides further guidance with regards to complaint procedures for violations or suspected violations of the Policy:

- A. Written and Oral Complaints

- (i) The School requires the School Administrator or his/her designee to be responsible for receiving complaints alleging violations of this Policy. Students, parents or guardians may file written complaints of suspected harassment, intimidation, or bullying with any School staff member or administrator. A teacher or other School staff member who receives a written complaint will promptly forward it (no later than the next school day) to the School Administrator or his/her designee for review and action.
- (ii) Oral complaints will also be considered official complaints. Students, parents or guardians, and school personnel may make oral complaints of conduct that they consider to be harassment, intimidation, or bullying by verbally reporting to a teacher, school administrator, or other School personnel. A teacher or other school staff member who receives an oral complaint will promptly document the complaint in writing and will promptly forward it (no later than the next school day) to the School Administrator for review and action.

Both written and oral complaints will 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.

#### B. Anonymous Complaints

- (i) Students who make oral 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.
- (ii) The anonymous complaints will be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint; and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation and/or bullying.

#### IV. School Personnel Reporting Responsibilities

- A. School Personnel, including teachers and other School staff, who witness acts of harassment, intimidation or bullying, as defined above, will promptly notify the

School Administrator or his/her designee of the event observed by filing a written incident report concerning the events witnessed.

- B. 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.
  - C. School personnel should intervene promptly where 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.”
  - D. Any student that deliberately makes a false report of harassment intimidation, or bullying shall be subject to the disciplinary procedures described in Section VIII of this Policy.
  - E. School Personnel, students, and volunteers that report an incident of harassment, intimidation, or bullying promptly in good faith and in compliance with the procedures specified in this Section of the Policy shall be individually immune from liability in a civil action for damages arising therefrom.
- V. Notification to Parents/Guardians
- A. If after investigation, acts of harassment, intimidation or bullying by a specific student are verified, the School Administrator or his/her designee will notify, in writing, the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such a student, a description of such discipline will be included in such notification.
  - B. If after investigation, acts of harassment, intimidation or bullying against a specific student are verified, the School Administrator or his/her designee will notify the parent or guardian of the victim of such findings. 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.

- C. To the extent permitted by State and Federal privacy laws, parents or guardians of any student involved in a prohibited incident may have access to any written reports pertaining to the prohibited incident.

## VI. Investigation and Documentation of Prohibited Incident; Anonymous Reports

- A. The School requires the School Administrator or his/her designee to be responsible for determining whether an alleged act constitutes a violation of this Policy. In so doing, the School Administrator or his/her designee will conduct a prompt and thorough investigation of all written and oral complaints of suspected harassment, intimidation, or bullying. A written report of the investigation will be prepared when the investigation is complete. Such report will include findings of fact and a determination of whether acts of harassment, intimidation, or bullying were verified. When prohibited acts are verified, a recommendation for intervention, including disciplinary action will be provided. Where appropriate, written witness statements will be attached to the report. All such incident and investigation reports shall be stored in a secure location determined by the School Administrator that will preserve appropriate confidentiality and anonymity.
- B. When a student making a complaint has requested anonymity, the investigation of such complaint will 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.

## VII. Intervention Strategies to Protect Victims

When responding to verified acts of harassment, intimidation, or bullying, the School will consider potential strategies to protect victims from additional harassment, intimidation, or bullying, and from retaliation following a report. Potential strategies include:

- A. Supervising and disciplining offending students fairly and consistently;
- B. Providing adult supervision during breaks, lunch time, bathroom breaks and in the hallways during times of transition;
- C. Maintaining contact with parents and guardians of all involved parties;

- D. Providing counseling for the victim if assessed that it is needed;
- E. 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; or
- F. Checking with the victim regularly to ensure that there have been no incidents of harassment/intimidation/bullying or retaliation from the offender(s).

#### VIII. Disciplinary Procedure

- A. Verified acts of harassment, intimidation or bullying will result in an intervention by the School Administrator or his/her 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.
- B. The School recognizes that acts of harassment, intimidation, or bullying can take many forms and can vary dramatically in seriousness and impact on the targeted individual and school community. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. Disciplinary and appropriate remedial actions for a student or staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to, and including, suspension or expulsion.
- C. In determining appropriate interventions 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 Administrator will give the following factors full consideration:
  - (i) The degree of harm caused by the incident(s);
  - (ii) The surrounding circumstances;
  - (iii) The nature and severity of the behavior;
  - (iv) The relationship between the parties involved; and
  - (v) Past incident(s) or continuing patterns of behavior.
- D. When verified acts of harassment, intimidation or bullying are identified early and/or when such verified acts of such behavior do not reasonably require a

disciplinary response, students may be counseled regarding the definition of misconduct, its prohibition, and their duty to avoid any conduct that could be considered harassment, intimidation or bullying. Peer mediation may also be used, when appropriate.

- E. When acts of harassment, intimidation and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, will not be the basis for disciplinary action.
  - (i) In and out-of-school suspensions 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.
  - (ii) Expulsion may be imposed only after a hearing before the School Administrator. This consequence will be reserved for serious incidents of harassment, intimidation or bullying and/or when past interventions have not been successful in eliminating such behavior.
  - (iii) The determination that conduct does not constitute harassment, intimidation or bullying under this Policy, however, does not restrict the right of the School Administrator or the Governing Authority or both to impose appropriate disciplinary consequences for student misconduct.

#### IX. Semi-Annual Reporting Obligations

The School Administrator will semi-annually provide the leader of the Governing Authority a written summary of all reported incidents and post the summary on the School's website, if one exists 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. 1232g, as amended. The list will be limited to the number of verified acts of harassment, intimidation, and bullying, whether on school grounds, to and from school, or at school-sponsored activities or sanctioned events.

#### X. Dissemination of Policy

- A. The School will annually disseminate the Policy to staff, students, and parents, along with an explanation that the Policy applies to all applicable acts of

harassment, intimidation, and bullying that occur on school grounds, at school-sponsored activities or sanctioned events, to or from school or on school-related vehicles, or in cyber-space. The Policy will appear in parent/student handbooks that set forth the School's rules, procedures, and standards of conduct for the School and its students.

- B. To ensure the staff is prepared to prevent and effectively intervene with incidents of harassment, intimidation or bullying, the School has incorporated the information about the Policy into its employee training programs as required by Ohio Revised Code 3319.073.
- C. This policy will be introduced to students during orientation sessions. Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation or bullying, and dating violence prevention, 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, as well as information about other school rules and disciplinary policies. This Policy will be stated in student, staff, volunteer and parent handbooks.

## XI. Prohibited Gang Activity

The Governing Authority believes gangs or gang activity creates an atmosphere that seriously disrupts the educational process. Students are prohibited from engaging in gang activities while at School, on school property, to or from school, or at a school sponsored activity or sanctioned event. Any student who violates this Policy will be subject to disciplinary action, up to and including expulsion from the School.

The term "gang" is defined as any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the endorsement of or participation in one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engaged in a pattern of criminal gang activity.

The term "gang activity" is defined as any conduct engaged in by a student:

- 1. On behalf of a gang;

2. To perpetuate the existence of a gang;
3. To affect the common purpose and design of any gang; or
4. To represent a gang affiliation, loyalty or membership in any way while on OR OFF school grounds or while attending a school function.

These activities may include things such as recruiting students for membership in a gang and threatening or intimidating other students or staff against his/her/their own will to promote the common purpose and design of any gang.

## XII. Drug Free

In accordance with Federal law, the School prohibits the use, possession, concealment or distribution of drugs by students on school grounds, in the school building, on school property, or at a school sponsored event to ensure a Drug Free School. Drugs include alcoholic beverages, steroids, dangerous controlled substances as defined by Ohio law, or any substance that could be considered a “look alike.” Any student who violates this Policy will be subject to disciplinary action, up to and including expulsion from the School.

## XIII. Weapons Free

The School is also a weapons-free school. No student, at any time, for any reason, will knowingly possess, handle, transmit, or use any object, which can be reasonably considered a weapon in or on property of the School or at any School sponsored event held away from school property. Any student who violates this Policy will be subject to disciplinary action, up to and including expulsion from the School.

## XIV. General Provisions

This Policy will 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 and Expulsion/Due Process, Violent and Aggressive Behavior, Hazing, Discipline/Punishment, Sexual Harassment, Peer Sexual Harassment and Equal Educational Opportunity acts.

The Complaint process is in effect and all matters will be investigated and resolved in accordance with the steps outlined above.

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