

Upper Arlington City School District Bylaws & Policies

5517.01 - HARASSMENT, INTIMIDATION, AND BULLYING

Introduction

The Board has developed this policy in consultation with parents, school employees, school volunteers, students, and community members.

Prohibitions

Harassment, intimidation, and bullying of students in the school environment 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, on a school bus, or during any school sponsored event and at the times and/or places set forth in the Student Code of 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.

Procedures, Investigation, and Documentation

To implement this policy and to address the existence of harassment, intimidation, or bullying in the schools, 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. A person may report an incident anonymously by providing a written description of the incident by mail, facsimile, or electronic mail to any staff member;
- E. School administrators shall investigate and document any written or oral reports;
- F. School administrators shall notify both the parents or guardians 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 allow access to any written reports pertaining to the incident, to the extent permitted by R.C. 3319.321 and the Family Educational Rights and Privacy Act (FERPA).

Definition of Harassment, Intimidation, or Bullying

In accordance with this policy, "harassment, intimidation, or bullying" means 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; and
- B. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment.

Harassment, intimidation, or bullying also includes violence within a dating relationship. An electronic act is an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.

Retaliation Is Prohibited

Retaliation against those who file a complaint or participate in the investigation of the complaint is prohibited. Therefore, filing 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.

False Reports

Students are prohibited from deliberately making false reports of harassment, intimidation, or bullying. Any student responsible for deliberately making a false report will be subject to the full range of disciplinary consequences.

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. Disciplinary consequences may include suspension for harassment, intimidation, or bullying by an electronic act. However, such discipline shall not infringe on any student's rights under the First Amendment to the Constitution of the United States.

Publication, Training, Immunity, and Board Summary

This policy shall appear in any student handbooks, and in any publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. This policy and an explanation of the seriousness of bullying by electronic means will be made available to students in the district and to their custodial parents or guardians. Information regarding the policy shall be incorporated into employee training materials.

To the extent state or federal funds are appropriated for this purpose, the Board will require students enrolled in the district to be instructed on the Board's policy and the consequences for violating the policy. Once each school year, the Board sends a written statement describing this policy and the consequences for violating it to each student's parent or guardian. The statement may be sent with report cards or delivered electronically.

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 the 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 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 website to the extent permitted by state and federal student privacy laws.

R.C. 3313.666, 3313.6676
State Board of Education Model Policy (2007)

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Upper Arlington City School District Administrative Guidelines

5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

Definitions of Terms:

"Harassment, Intimidation, or Bullying" means any intentional written, verbal, graphic, or physical act that a student or group of students exhibited toward another particular student more than once and the behavior both:

- A. causes mental or physical harm to the other student; and
- B. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

"Harassment, Intimidating, 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:

- A. causes mental or physical harm to the other student/school personnel; and
- B. 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 State Board of Education.

Types of Conduct

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

- A. physical violence and/or attacks;
- B. threats, taunts, and intimidation through words and/or gestures;
- C. extortion, damage, or stealing of money and/or possessions;
- D. exclusion from the peer group or spreading rumors; and,
- E. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/on-line sites (also know as "cyber-bullying"), such as the

following:

1. posting slurs on web sites where students congregate or on web logs (personal on-line journals or diaries);
2. sending abusive or threatening instant messages;
3. using camera phones to take embarrassing photographs of students and posting them on-line;
4. using web sites to circulate gossip and rumors to other students; and,
5. excluding others from an on-line group by falsely reporting them for inappropriate language to Internet Service Providers.

The following procedures shall be used for reporting, investigating, and resolving complaints of aggressive behavior and/or bullying.

Complaint Procedures

Building principals, assistant principals, and the Superintendent have the responsibility for conducting investigations concerning claims of aggressive behavior and/or bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any student, employee or third party who has knowledge of conduct in violation of Policy 5517.01 or feels s/he has been a victim of aggressive behavior and/or bullying in violation of Policy 5517.01 is encouraged to 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 building principal and/or his/her 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 his/her 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 or his/her designee. If the report is an informal complaint by a student that is received by a teacher or other professional employee, s/he 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 or his/her 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."

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

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| Step I | Any complaints, allegations, or rumors of aggressive behavior and/or bullying shall be presented to the building principal or assistant principal or the Superintendent. Students may also report their concerns to teachers or counselors who will be responsible for notifying the appropriate administrator or Board of Education official. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board President. Information may be initially presented anonymously. All such information will be reduced to writing and will include the |
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specific nature of the offense and corresponding dates. If the person filing the formal complaint is an adult, s/he must sign the charge affirming its veracity. If the person filing the formal complaint is a minor, s/he may either sign the charge or affirm its veracity before two (2) administrators.

Step II The administrator/Board official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The administrator/Board official 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 and a list of witnesses. All findings related to the complaint will be reduced to writing. The administrator/Board official conducting the investigation shall notify the complainant and parents as appropriate 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 notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent.

Step III If the complainant is not satisfied with the decision at Step II, s/he may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten (10) work days after receipt of the Step II decision. The Superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The Superintendent or designee shall provide a written decision to the complainant's appeal within ten (10) work days of the appeal being filed.

If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within ten (10) work days after receipt of the Step III decision. The Board shall, within twenty (20) work days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within ten (10) work days following completion of the hearing.

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.

Publication of the Prohibition Against Harassment, Intimidation, and Bullying

The prohibition against harassment, intimidation, or bullying shall be publicized in student handbooks and in District 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/school personnel in the Upper Arlington City School District 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 act 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:

- A. 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,**
- B. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/school personnel.**

Retaliation/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 aggressive behavior 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 aggressive behavior and/or bullying.

Remedial Actions

Verified acts of harassment, intimidation, or bullying shall result in an intervention by the building principal 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.

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 (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's 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 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, a committee of the Board or an impartial hearing officer designated by the Board, 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

In addition to the prompt investigation of complaints of harassment, intimidation, or bullying and direct intervention when such prohibited acts 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 targeted individuals' problem, including what is safe and acceptable Internet use.
- C. Data collection to document 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 regard to victim problems.
- G. An attitude that promotes communication, friendship, assertiveness skills and character education.
- H. Modeling by school personnel of positive, respectful, and supportive behavior toward students.
- I. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others (Ohio School Climate Guidelines).

- J. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere.
- K. Form harassment, intimidation, and bullying task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

Intervention Strategies for Protecting Victims

- A. Supervise and discipline offending students fairly and consistently.
- B. Provide adult supervision during recess, lunch time, 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 assessment indicates 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 bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed.
- F. 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.

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 District 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 District and 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 behaviors shall be incorporated into employee training materials and volunteers with direct contact with students. Time spent by school employees in the training, workshops, or courses shall apply toward any State or District-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/school personnel, even if such conduct does not meet the formal definition of "harassment, intimidation, or bullying."

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 District shall also investigate for the purpose of determining whether there has been a violation of District Policy, even if law enforcement or CPS officials are also investigating. All School District personnel shall cooperate with investigations by outside agencies.

In addition to, or instead of, filing a bullying, harassment, or intimidation 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 other provisions of the Revised Code or law that may apply.

State Board of Education Model Policy (2007)

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