

Anti-Harassment, Intimidation, and Bullying Sample Policy

10 January 2008

_____ School teaches belief in the sanctity of human life and the inherent dignity of the human person. We believe that all students, school employees and volunteers have a right to a safe and healthy school environment. All members of the school community, in turn, have an obligation to promote mutual respect, tolerance, and acceptance.

The principal will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment. Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying.

The Student *Code of Conduct* should be amended to include the provisions of this policy. This policy should appear in any student handbooks, publications that set forth rules of conduct, teacher, staff, parent and volunteer handbooks, communications to parents at the beginning of the school year and in the orientation packets to new students and their parents/guardians throughout the school year.

The following statement shall be included:

Harassment, intimidation, or bullying behavior by any student/school personnel in _____ 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, mean 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 the effect of:

1. 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
2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/school personnel.

_____ School will not tolerate behavior that infringes on the safety of any student, school employee, or volunteer. A student, school employee or volunteer shall not intimidate or harass another student, school employee or volunteer through words or actions whether in the classroom, on school property, to and from school or at school-sponsored events, or from any computer not on school property.

Definition

“Harassment, intimidation or bullying” means any intentional written, verbal, graphic, or physical act that a student or group of students, school employee or volunteer exhibited toward another particular student, school employee or volunteer more than once and the behavior both:

1. Causes mental or physical harm to the other; and
2. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other.

Such behavior includes overt intent to ridicule, humiliate or intimidate another student, school employee or volunteer. Examples of conduct that could constitute prohibited behaviors include:

1. Physical violence and/or attacks;
2. Threats, taunts and intimidation through words and/or gestures;
3. Extortion, damage or stealing of money and/or possessions;
4. Exclusion from the peer group or spreading rumors; and
5. 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 “cyberbullying”), such as the following:
 - ◆ Posting slurs on Web sites 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; and,
 - ◆ Using Web sites to circulate gossip and rumors to other students;
 - ◆ Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Procedure for the Alleged Victim

1. Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser, the individual should ask a teacher, counselor or principal to help.
2. If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:
 - ◆ Tell a teacher, counselor or principal; and
 - ◆ Write down exactly what happened, keep a copy and give another copy to the teacher, counselor or principal including:
 - What, when and where it happened;
 - Who was involved;
 - Exactly what was said or what the harasser did;
 - Witnesses to the harassment;
 - What the student said or did, either at the time or later;
 - How the student felt; and
 - How the harasser responded.

Complaint Procedure

_____ School expects students and/or staff to immediately report incidents of bullying to the principal or his/her designee. Staff members are expected to immediately intervene when they see a bullying incident occur. "A 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 if that person reports an incident of harassment, intimidation or bullying promptly in good faith and in compliance with the procedures specified in the policy." (ODE Model Policy, Rev. 03, 05/14/07 #2.2.11.)

The principal upon receiving a complaint must notify parents or guardians of any student involved in a prohibited incident and must provide access to any written reports pertaining to the prohibited incident within the spirit of the Ohio Revised Code 3319.321 and the Family Educational Rights and Privacy Act of 1974 as amended. (See attachments.)

The principal may appoint an investigator. The complainant completes an *Anti-Harassment/Bullying Complaint Form* (see attachment). Any evidence of the harassment, including but not limited to letters, tapes and pictures should be turned over to the investigator. Each complaint of bullying should be promptly investigated. The investigator, with the approval of the principal, or the principal has the authority to initiate an investigation in the absence of a written complaint.

Any witness to the event is encouraged to complete an *Anti-Harassment/Bullying Witness Disclosure Form* (see attachment). Information received during the investigation is kept confidential to the extent possible.

_____ School prohibits retaliatory behavior against any complainant, witness or any participant in the complaint process. Any person who engages in bullying may be subject to disciplinary action up to and including expulsion.

Investigation Procedure

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.

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.

The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. The investigator will interview the complainant and the alleged harasser. The alleged harasser may file a written statement in response to the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator will make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the principal. The investigator will provide a copy of the findings of the investigation to the principal.

Resolution of the Complaint

Following receipt of the investigator’s report, the principal may investigate further, if deemed necessary, and make a determination of any appropriate additional steps that may include discipline. Prior to the determination of the appropriate remedial action, the principal may, at the principal’s discretion, interview the complainant and the alleged harasser. The principal will file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation. The principal will maintain a log of information necessary to comply with Ohio Department of Education reporting procedures.

Points to Remember in the Investigation

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

Conflicts

If the investigator is a witness to the incident, an alternate investigator shall be appointed to investigate.

ANTI-HARASSMENT/BULLYING COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser or bully: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature

Date

ANTI-HARASSMENT/BULLYING WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony, interview: _____

Description of incident witnessed: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature

Date