

## **HARRASSMENT, BULLYING, STUDENT HAZING AND AGGRESSIVE BEHAVIOR**

It is the policy of City Day Community School to maintain an education environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all school operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, adjacent to school property or at another location if such conduct occurs during an activity sponsored by the Board.

School personnel are encouraged to address the issue of harassment in interactions with students. School personnel seek to educate students about harassment and help eliminate such prohibited behaviors through class discussions, counseling, and reinforcement of socially appropriate behavior.

CDCS will vigorously enforce its prohibition against discriminatory harassment based on sex, race, color, national origin, disability, age (except as authorized by law), religion, ancestry, or genetic information (collectively, "Protected Classes") that are protected by state and federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the school community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. CDCS will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

### **Definitions.**

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or employee that:

1. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
2. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
3. has the effect of substantially disrupting the orderly operation of a school.

Harassment includes sexual harassment, race/color harassment, religious/creed harassment, national origin harassment and disability harassment

Sexual Harassment means, according to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when: submission to such conduct is made either implicitly or explicitly a term or condition of status in a class, educational program, or activity; submission or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual or such conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate

in or benefit from a class or an educational program or activity. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment are unwelcome sexual propositions, invitations, solicitations, and flirtation; unwanted physical and/or sexual contact; threats or insinuations that a person's academic grade, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of education may be adversely affected by not submitting to sexual advances; unwelcome verbal expressions of a sexual nature; sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the educational environment; unwelcome and inappropriate touching, patting, or pinching; obscene gestures; a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another; remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature. Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Race/Color Harassment: Prohibited harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment: Prohibited harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment: Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment: Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

## **Reports and Complaints of Harassing Conduct**

School personnel will 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."

## **Complaint Process**

- 1. Formal Complaints.** Students and/or their parents may file reports regarding suspected harassment, intimidation or bullying. Such written reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, 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 principal for review and action.
- 2. Informal Complaints.** Students, parents or guardians and school personnel may make informal complaints of conduct that they consider to be harassment, intimidation and/or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of harassment, 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. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the above information. This written report by the school staff member and/or administrator shall be promptly forwarded to the principal for review and action.
- 3. Anonymous Complaints.** Students who make informal 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. 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 (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.

## **School Personnel Responsibilities and Intervention Strategies**

### **1. Teachers and Other School Staff**

Teachers and other school staff, who witness acts of harassment, as defined above, shall promptly notify the 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 shall promptly notify the 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 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 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 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.”

### **2. Administrator Responsibilities**

Investigation. The principal and or his/her designee shall be promptly notified of any formal or informal complaint of suspected harassment. Under the direction of the principal or his/her designee, all such complaints shall be investigated promptly. A written report of the investigation shall be prepared when the investigation is complete. Such report shall include findings of fact, a determination of whether acts of harassment, were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

When a student making an informal complaint has requested anonymity, the investigation of such complaint shall 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.

Remedial Actions. Verified acts of harassment shall result in an intervention by the building principal or his/her designee that is intended to ensure that the prohibition against harassment behavior is enforced, with the goal that any such prohibited behavior will cease.

Harassment 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. While conduct that rises to the level of “harassment,” as defined above

will generally warrant disciplinary action against the perpetrator of such prohibited behaviors 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 principal or his/her designee. The following sets forth possible interventions for the principal or his/her designee to enforce the Board's prohibition against "harassment."

Non-disciplinary Interventions. When verified acts of harassment 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, its prohibition and their duty to avoid any conduct that could be considered harassing.

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 Governing 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.

### **3. Intervention Strategies**

In addition to the prompt investigation of complaints of harassment and direct intervention when such prohibited acts are verified, other school actions may ameliorate any potential problem with harassment 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:

1. Respectful responses to harassment concerns raised by students, parents or school personnel;
2. Planned professional development programs addressing targeted individuals' problems; including what is safe and acceptable Internet use;
3. Data collection to document victim problems to determine the nature and scope of the problem;
4. Use of peers to help ameliorate the plight of victims and include them in group activities;
5. Avoidance of sex-role stereotyping (e.g., males need to be strong and tough);

6. Awareness and involvement on the part of all school personnel and parents with regard to victim problems;
7. An attitude that promotes communication, friendship, assertiveness skills and character education;
8. Modeling by school personnel of positive, respectful and supportive behavior toward students;
9. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others (Ohio School Climate Guidelines);
10. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
11. Form harassment task forces, programs and other initiatives involving volunteers, parents, law enforcement and community members.

### **Intervention Strategies for Protecting Victims**

1. Supervise and discipline offending students fairly and consistently;
2. Provide adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition;
3. Maintain contact with parents and guardians of all involved parties;
4. Provide counseling for the victim if assessed that it is needed;
5. Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing behavior. Personnel are to intervene when prohibited behaviors are witnessed;
6. 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.

### **Reporting Obligations**

Report to the Parent of the Perpetrator. If after investigation, acts of harassment by a specific student are verified, the principal or his/her designee shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.

Reports to The Victim And His/Her Parent. If after investigation, acts of harassment against a specific student are verified, the principal or his/her designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such harassment.

Police and Child Protective Services. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services, per required timelines. City Day Community School must also investigate for the purpose of determining whether there has been a violation of City Day policy or procedure, even if law enforcement or CPS is also investigating. All City Day personnel must cooperate with investigations by outside agencies.

In addition to, or instead of, filing a harassment 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 any other provision of the Ohio Revised Code or common law that may apply.

## **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, 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 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.

School personnel members are encouraged to address the issue of harassment in other interactions 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.”