

POLICY: Anti-Bullying and Harassment Policy

Organization: Dayton SMART Elementary

Approval Date: May 30, 2017

PURPOSE OF POLICY

It is of utmost importance to provide a safe environment for our students, staff, volunteers, and guests. The School has a zero tolerance policy in regard to acts of violence and verbal, physical, or any other kind of behavior that could lead to or cause violence. These acts include anything done in person or by any other means whatsoever. The School does not tolerate violent behavior or actions anywhere within the School or during School activities by or against any of our staff or students, thus has created this **Safe School Environment Policy** (hereinafter "Policy").

FORBIDDEN ACTS

School staff has not only a duty to ensure that students can learn and achieve high academic standards, but also has a duty to safeguard students from physical abuse, sexual abuse, emotional abuse, neglect, or any other reasonably preventable harm while at the School or while participating in School activities. Unacceptable behavior such as discrimination, uttering disparaging remarks, bullying, harassment, intimidation, or any other similar action will not be tolerated in the School.

Harassment, intimidation, disparagement, and bullying, like other disruptive or violent behaviors, are conduct that disrupts both a student's ability to learn and the School's ability to educate its students in a safe environment. Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying.

NOTE: Disciplinary action will be imposed if harassment, intimidation, disparagement, and bullying occur while away from the School or School activities, if such acts affect other School students or staff.

Disparaging Remarks

At no time is any student allowed to demean, utter disparaging remarks about, or undermine any other individual within the School property or while participating in School activities.

Harassment

Behavior that targets an individual because of their race, color, religion, gender, age, national origin, marital status, disability, or veteran status or any other protected status as defined by federal, provincial, state, or local laws is strictly prohibited. Harassment is such verbal or physical conduct that unreasonably disrupts or harms another in the School, on a bus, or while participating in School activities. Each individual at the School has the right to be free from improper or offensive conduct while at the School or while participating in School activities. School students, employees, student family members, guests, and visitors should be treated with respect, courtesy, and dignity at all times. Unwelcome, insulting, or offensive remarks or actions have no place at the School. To maintain an atmosphere free from harassment, each individual at the School should exercise good judgment in their relationships with others.

The School is committed to maintaining a school environment free of harassment based on race, color, religion, national origin, gender, sexual orientation, or disability. Harassment at the School or at School-sponsored events is strictly prohibited. The School requires all students to conduct themselves in an appropriate manner with respect to their fellow employees, students, visitors, guests, and all members of the School community.

Harassment In General. Harassment includes communications such as jokes, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct that offends or shows disrespect to others based upon race, color, religion, national origin, gender, sexual orientation, or disability.

What one person may consider acceptable behavior, may reasonably be viewed as harassment by another person. Therefore, students should consider, before speaking or acting, how their words and

actions might reasonably be viewed by other individuals. It is also important for students to make it clear to others when a particular behavior or communication is unwelcome, intimidating, hostile, or offensive. *Sexual Harassment*. Sexual harassment includes sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

1. Acceptance of or submission to such conduct is made either explicitly or implicitly a term or condition of education,
2. The individual's response to such conduct is used as a basis for educational, disciplinary, or other decisions affecting a student,
3. Such conduct interferes with an individual's education or participation in extra-curricular activities, or
4. The conduct creates an intimidating, hostile, or offensive work or school environment.

Intimidation and Bullying

Intimidation and bullying means any deliberate or intentional gesture, or any deliberate or intentional written, verbal, or physical act or threat that one individual exhibits towards another individual at the School, on a bus, or when participating in a School activity, and the behavior both: (1) has one or more of the following effects: (a) harming the other individual; (b) damaging the other individual's property; (c) placing the other individual in reasonable fear of harm to their person; (d) placing the other individual in reasonable fear of damage to their property; and (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive environment for the impacted individual.

Cyber-Bullying

The School prohibits acts of cyber-bullying, which is a sub-set of bullying and involves the use of information and communication technologies, including but not limited to e-mail, cell phone and pager text messages, blogs, MySpace, Facebook, Wikipedia, Bebo, the Internet, Xanga, Piczo, instant messaging, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate or repeated, or hostile behavior by an individual or group, that is intended to harm, intimidate or harass others on School time or the School premises, at School events, programs or activities or off School time or School premises if such acts affect other Students or Staff of the School.

Teen Dating Violence

The Board is committed to providing a learning environment in which dating violence is not tolerated. Consistent with this philosophy, the Board is committed to promoting an environment free from dating violence. Accordingly, the Board seeks to increase awareness of teen dating violence and help in responding to the needs of victims and children who are witnesses to such violence.

Teen dating violence occurring in any setting is unlawful and teen dating violence occurring in any school setting will not be tolerated. Further, retaliation against an individual who has complained about teen dating violence or cooperated in an investigation of teen dating violence will not be tolerated. The Board will respond promptly to complaints and reports of teen dating violence or retaliation and corrective action will be taken where necessary, including disciplinary action where appropriate.

REPORTING

If an individual experiences or observes harassment, intimidation, bullying, or disparaging remarks, they should immediately report the incident to the School Director, Dean of Students, or any other member of the School's staff.

All School employees, Trustees, volunteers, and students are required to report prohibited incidents of which they are aware to the Director or their designee. The Director or their designee is then responsible for determining whether an alleged incident constitutes a violation of this policy. In so doing, the Director or their designee shall conduct a prompt, thorough, and complete investigation of the reported incident, and prepare a report documenting the prohibited incident that is reported. Once an investigation is completed, and the reported incident has been substantiated, the parent or guardian of any student involved in the prohibited incident shall be notified and to the extent permitted by R.C. § 3319.321 and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) have access to any written reports pertaining to the prohibited incident. The School will maintain information regarding the number of incidents of harassment of students against other students that violate this policy. All School

employees, volunteers, and students shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy.

How to Report Violations

Any violations of this Policy should be immediately reported to the Dean of Students, the Director, or any other member of the School's staff for further action.

Mandatory Reporting

All School employees will comply at all times with all laws that require the reporting of certain information to various authorities. No provision in any School policy or procedure shall be read or interpreted in a way to be in conflict with a law related to mandatory reporting.

Timeliness of Reporting and Response

The Code requires that Staff responds immediately and consistently to incidents of bullying, harassment, intimidation, substance abuse, and/or violence or any other violation of the Code or other policy or procedure of the School that impacts negatively on students in a manner that effectively addresses incidents, deters future incidents, and affirms respect for individuals.

Grievance Procedure

Complaints under this **Grievance Procedure** must be filed within 30 school days of occurrence of the alleged event. The complaint must be in writing. The Director or any person of the grievant's choosing may assist the grievant with filing the complaint. The written complaint must include the following information:

1. The name and school (or address and telephone number if not a student or employee) of the grievant (complainant).
2. The name (and address and telephone number if not a student or employee) of the grievant representative, if any.
3. The name of the person(s) alleged to have caused the discrimination or harassment (respondent).
4. A description, in as much detail as possible, of the alleged discrimination or harassment.
5. The date(s) of the alleged discrimination or harassment.
6. The name of all persons who have knowledge about the alleged discrimination or harassment (witnesses), as can be reasonably determined.
7. A description, in as much detail as possible, of how the grievant wants the complaint to be resolved.

Grievance – Where to File a Complaint

Individuals who believe they have been subjected to harassment under this policy may file a complaint with the Director or the Dean of Students. If the Director is the person who is alleged to have caused the harassment, the complaint may be filed with the Board. Under these circumstances, a representative of the Board will conduct the investigation as outlined below.

Grievance – Investigation and Resolution of the Complaint

Respondents will be informed of the charges as soon as the Director deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated.

The Director will interview witnesses whom they deem necessary and appropriate to determine the facts relevant to the complaint, and will gather other relevant information. The Director will make every effort to complete such interviews and gathering of information within fifteen (15) school days of receiving the written complaint.

After completing the investigation, the Director will meet with the grievant and/or their representative to review the information gathered and, if applicable, to propose a resolution designed to stop the discrimination or harassment and to correct its effect.

Notwithstanding the above, it is understood that in the event a resolution contemplated by the School involves disciplinary action against an employee or a student, the complainant will not be informed of such disciplinary action, unless it directly involves the complainant (i.e., a directive to "stay away" from the complainant, as might occur as a result of a complaint of harassment).

Retaliation

The School will not tolerate retaliation in any way against individuals who report instances of violations of this Policy, who provide information related to violations of this Policy, or who otherwise assist with the reporting of or investigation of violations of this Policy. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion.

SCHOOL ENVIRONMENT

Health and Safety

The School is committed to providing a safe and healthy environment for its students and Employees. The School will follow all federal, state, and local laws regarding workplace safety and health. Each employee must immediately report any work-related accident, illness, unsafe condition or practice to the Director or their designee. Once the situation has been reported, the individual making the report to the Director must complete a **Injury Incident Report** (see *Staff Policy Manual – Appendix E-2*) so a formal record of the incident may be kept on file.

Appropriate Relationships with Children

School employees are expected to act in an open and transparent way that would not lead any reasonable person to suspect their actions or intent. School staff is in a position of trust and has a duty to protect young people from discrimination and harm, and to maintain appropriate professional boundaries. It is equally important for staff to avoid behavior that might be misinterpreted by others as being inappropriate.

School Searches

School property, equipment, vehicles, and any other asset owned, leased, operated, or in the possession of the School is considered to be under the control of the School. A search of this School property (including, but not limited to, student storage units, backpacks, and any vehicle parked on School property or used in the course of School activities) may be made at the discretion of the School's Director if a reasonable suspicion arises that items considered illegal, disruptive, or a general nuisance to the educational process are at the School. The School's Director, or their designee, may also search a student's person and personal property, desk area, backpack, or vehicle parked on School property whenever the School's Director, or their designee, has reasonable suspicion to believe that a student is in possession of illegal or unauthorized materials. School officials will detain a student if there is a reasonable suspicion that the student has drugs, narcotics, weapons, explosives, or other dangerous contraband in their possession, and if such possession would constitute a clear and imminent danger to the safety and welfare of the student, any other persons, or any school property. Furthermore, School officials will promptly notify parents and the appropriate law enforcement agency of illegal possession of such materials, if found.

Drugs and Alcohol

Use, possession, distribution, or sale of alcohol, tobacco, illicit drugs, or prescription drugs that are in possession by one for whom they were not prescribed is prohibited on School grounds, at any School-sanctioned activities, when students are being transported in School-sponsored vehicles, or at any time or in any place where the School conducts business. A student violation of this policy will lead to a suspension, reporting to authorities, and/or a recommendation for expulsion, as required by law, or at the discretion of the School. An employee violation of this policy will lead to disciplinary actions up to and including immediate termination.

If a student receives a suspension for a first violation of this policy, the student may be required to enroll in a rehabilitation/counseling program at the sole cost of the student's family. The student's family, when appropriate, will be required to report back with an assessment, diagnosis, and treatment plan as a condition for re-admittance into the school. A second violation of the policy will be reported to authorities and will lead to an expulsion hearing. Depending on the severity of the circumstances, the School reserves the right to proceed directly to a notification of the authorities and an expulsion hearing. All employees are subject to pre-employment screening, reasonable suspicion, periodic, and/or random drug and alcohol testing.

Prescription Medication

Any student who needs to take prescription medication while on School property or while engaged in School activities must 1) give the prescription medication to the School office staff for safe keeping, and 2) provide a notification from the student's doctor indicating the kind of medication and dosing instructions.

NOTE: Any student who has not followed this policy and is in possession of medicine of any kind shall be treated as if they were in possession of illegal drugs.

Tobacco

The School is committed to enforcing the provisions of the Smoke-Free Workplace Law. Additionally, the School prohibits the use of any tobacco product in the workplace. Accordingly, the School's policy on smoking is as follows:

- It is recognized that smoking is dangerous to the health of the smoker and that second-hand smoke is a cause of disease, including lung cancer, in healthy non-smokers. The simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to environmental tobacco smoke. This applies to *all* smoking tobacco products, i.e., cigarettes, cigars, and pipes. This policy has been developed to help protect all persons from the exposure to environmental tobacco smoke and to help ensure a safe working environment.
- The School also recognizes that smokeless tobacco is dangerous to one's health and creates sanitary issues. Thus, it prohibits the use of all smokeless tobacco products (i.e. snuff and chewing tobacco) in all School facilities and areas of the workplace with no exceptions.
- Smoking is prohibited in all facilities and areas of the entire workplace with no exceptions. Smoking is not permitted anywhere at the School, including all common work areas, elevators, hallways, School owned or operated vehicles, restrooms, conference and meeting rooms, and all other enclosed or outdoor areas in the workplace. Further, there is no use of any tobacco product within thirty (30) feet of any window or door where any School functions are occurring. Should the laws of the State of Ohio require further limitations or restrictions on the use of any tobacco product, the School will uphold those further limitations or restrictions. The policy applies to all employees, consultants, contractors, visitors, and students.
- Any disputes involving smoking must be referred to the Director.

Gang Affiliation

The School has adopted a policy prohibiting gang activities and presence at the School pursuant to state law, in recognition of the fact that gang activities and presence at school threaten the welfare and safety of students, teachers, visitors, guests, and others in the School community. The term "gang" as used in this policy refers to all groups of three or more individuals who share a common interest, bond, or activity characterized by criminal, delinquent, or otherwise disruptive conduct engaged in collectively or individually.

The purpose of this policy is to protect the health, safety, and welfare of those in the School community and to prevent the initiation or continuation of gang membership and gang activity in the School. Prohibited gang affiliation or appearance includes: any manner of grooming or apparel, including clothing, jewelry, hats, emblems, and badges which by virtue of color, arrangement, trademark, or other attribute is associated with or denotes membership in or affiliation with any gang will not be allowed in School buildings or on School grounds, at School-sanctioned activities and events, or School-sponsored transportation. Gestures, signals, or graffiti that denote gang membership or activities are prohibited in the School building and on School grounds, at School-sanctioned activities and events, and on School-sponsored transportation. The prohibition against gang-related apparel and actions will be applied at the discretion of the staff at the School. Consequences will be applied according to the circumstances of the infraction and may include suspension or expulsion. The School will communicate with law enforcement regarding this policy, and any information related to violations of this policy, in order to further its purposes.

VIOLATIONS AND DISCIPLINE

General Discipline Procedures

The purpose of disciplinary consequences is to ensure that both the individuals involved in the situation as well as the school community maintain complete focus on learning and growth. Inappropriate student behavior not only impacts the individual, but also exacts a cost on teachers, other students, and the larger school community. Students must understand that they are a part of a larger whole and are accountable to their peers for adhering to the values and expectations of the community. Prompt resolution of problems and student/family solutions to inappropriate behavior is expected.

Except as otherwise indicated in this Policy, disciplinary action for students, depending upon the nature of the action and/or referral, may include but is not limited to: a student warning (oral or written), parent notification, a written assignment, lunch or enrichment detention, community service, suspension, or expulsion. This list of possible consequences is not indicative of a series of progressive punishment that must happen in order. The School may, at its sole discretion, elect to utilize any corrective measure at its legal disposal without first utilizing other less severe consequences.

Except as otherwise indicated in this Policy, employees who violate this Policy are subject to disciplinary action up to and including immediate termination.

All decisions regarding disciplinary action will be made by the Director or their designee. The School will make every effort to notify parents/guardians promptly of any disciplinary action and will do so in writing wherever possible.

The School reserves the right to discipline students' off campus behavior which substantially disrupts the School's educational process or mission, or threatens the safety or well-being of a student or staff member. Some factors which may be considered in determining whether the behavior warrants discipline include, but are not limited to, the following: (1) whether the behavior created material and substantial disruption to the educational process or School's mission due to the stress on the individual(s) victimized or the time invested by Staff in dealing with the behavior or its consequences; (2) whether a nexus to on-campus activities exists; (3) whether the behavior creates a substantial interference with a Student's or Staff member's security or right to educate and receive education; (4) whether the behavior invades the privacy of others; or (5) whether any threat is deemed to be a true threat by the administration or Board, using factors and guidelines set out by the courts or by common sense, reasonable person standards.

Some acts of harassment, intimidation, bullying, disparagement, and cyber-bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation, bullying, disparagement, or cyber-bullying that they require a response either at the classroom, School building, or by law enforcement officials. Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation, bullying, disparagement, or cyber-bullying range from positive behavioral interventions up to and including suspension or expulsion.

No Limitation on Other Legal Recourse

Nothing in this policy prohibits a victim from seeking redress under any provision of Ohio law that may apply.

Training and Workshops

The School may form a prevention task force and/ or programs to educate students about this policy, such as holding an assembly on harassment, intimidation and bullying for Parents and Students, to raise the level of awareness and help prevent the prohibited conduct. The School may also provide training, workshops, or courses on this policy to school employees and volunteers who have direct contact with students.

R.C. §§ 3301.0714(B)(1)(p); 3313.666, 3313.667

Other Initiatives

The School will take other measures as required by law to prevent harassment, bullying, intimidation, and disparagement of staff and students.