

Elevated Excelance Academy

**214 • Anti-Harassment, Anti-Intimidation,
Anti-Bullying Policy**

Approved: September 16, 2021

A safe and civil environment is necessary for students to learn and achieve high academic standards. Harassment, Intimidation, and Bullying are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion. This policy details the School's prohibition of Harassment, Intimidation, and Bullying (including Cyber-Bullying).

I. Definitions:

A. "Harassment, Intimidation, Bullying" means:

1. An intentional written, verbal, graphic, electronic, or physical act that a student or group of students has exhibited toward another student or school personnel (including volunteers or others serving the school), more than once, and the behavior:
 - a. Causes mental or physical harm to the victim; and
 - b. Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment
2. Violence within a dating relationship

B. By Electronic Means/Cyber-Bullying: Harassment, Intimidation, Bullying includes electronic acts, which mean an act committed through the use of phones, PDAs, computers, electronic notebooks, game systems, or any other electronic or communication devices. (Harassment, Intimidation, Bullying conducted through electronic devices is sometimes referred to as "Cyber-Bullying".)

C. Location: Acts constituting Harassment, Intimidation, or Bullying subject to this policy must occur to and from school, on school grounds, at school-sponsored or sanctioned activities, or in school transportation in order for the School to be reasonably able to monitor and discern the conduct pursuant to this policy. Cyber-Bullying, subject to this policy, may occur beyond those locations but is covered by this Policy and is strictly forbidden under this Policy.

II. Types of Conduct

Harassment, Intimidation or Bullying can include many different behaviors including overt intent to ridicule, humiliate or intimidate another student or school personnel. Examples of conduct that could constitute prohibited conduct may include, but is not limited to:

1. Physical violence and/or attacks;
2. Threats, taunts and Intimidation through words and/or gestures;
3. Extortion, damage or stealing of money, property or possessions;
4. Exclusion from the peer group or spreading rumors;
5. Repeated remarks of a demeaning nature that have the purpose or effect of causing

injury, discomfort, fear or suffering to the victim;

6. 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 “Cyber Bullying”), such as the following:
 - a. Posting slurs on websites or any form of social media;
 - b. Sending or posting abusive or threatening instant messages, emails, texts or communications via social media;
 - c. Using cameras or cameras on any devices to take private or embarrassing photographs of students and sending or posting them online or on any form of social media;
 - d. Using websites or other electronic communication to circulate gossip and rumors to other students;
 - e. Excluding others from an online group by falsely reporting them for inappropriate language to internet service providers.

III. Complaint Process – Reporting Prohibited Incidents

- A. Students, Parents/Guardians, or other individuals may report suspected Harassment, Intimidation, Bullying to any School personnel. The School Leader or his/her designee is responsible for receiving complaints alleging violations of this Policy. School personnel who receive a complaint will promptly report or forward it to the School Leader or his/her designee for review and action.
- B. Oral reports of suspected prohibited behavior are considered official complaints in the same manner as a written complaint. School personnel who receive an oral complaint will promptly document the complaint in writing, and will promptly forward it to the School Leader for review and action.
- C. Both written and oral complaints shall 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, and the names of any potential witness.
- D. Anonymous Complaints: Individuals who make complaints as set forth above may request that their name be maintained in confidence by the School. 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.
- E. False Complaints: It is a violation of this policy to knowingly report false allegations of Harassment, Intimidation, and/or Bullying. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.
- F. School personnel, 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

if that person reports an incident in good faith and in compliance with the procedures set forth herein.

IV. School Personnel Responsibilities

A. Teachers and Other School Personnel Responsibilities

1. Teachers and other school personnel, who witness acts of Harassment, Intimidation or Bullying, as defined above, will promptly notify the School Leader or his/her designee of the event observed by filing a written incident report concerning the events witnessed.
2. 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.
3. 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.”

B. Administrator Responsibilities - Investigation and Documentation

1. The School Leader or his/her designee shall conduct a prompt and thorough investigation of all complaints of suspected Harassment, Intimidation, or Bullying. The School Leader or his/her designee shall prepare a written report of the investigation 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, the School Leader or his/her designee shall also prepare a recommendation for intervention, including disciplinary action. Where appropriate, written witness statements will be attached to the report. It is imperative that Harassment, Intimidation, and 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, a determination that misconduct does not constitute Harassment, Intimidation or Bullying under this Policy, does not restrict the right of the School Leader to impose appropriate disciplinary consequences for student misconduct.
2. When an individual reporting 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 individual of the condition that his/her report be anonymous.

V. Notification to Parents/Guardians

- A. Perpetrator: If after investigation, acts of Harassment, Intimidation and Bullying by a specific student are verified, the School Leader 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 student, a description of such discipline will be included in such notification to the extent permitted by law.
- B. Victim: If after investigation, acts of Bullying against a specific student are verified, the School Leader 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. Remedial Actions

- A. Verified acts of Harassment, Intimidation or Bullying will result in action by the School Leader 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 an individual 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 action 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 Leader will give the following factors full consideration:
 - 1. The degree of harm caused by the incident(s);
 - 2. The surrounding circumstances;
 - 3. The nature and severity of the behavior;
 - 4. The relationship between the parties involved; and
 - 5. Past incidences 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 Harassment, Intimidation, Bullying, 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.
- F. Suspension or Expulsion may be imposed, but only after the appropriate procedures have been conducted pursuant to the School's Suspension and Expulsion policy and applicable law. No disciplinary procedure will infringe on any student's rights under the first amendment to the Constitution of the United States.
- G. The determination that conduct does not constitute Harassment, Intimidation or Bullying under this Policy, however, does not restrict the right of the School Leader or the Board or both to impose appropriate disciplinary consequences for student misconduct.

VII. Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of Harassment, Intimidation, or Bullying, and direct intervention when such acts are verified, the School will consider potential strategies to protect victims from additional Harassment, Intimidation, or Bullying, and from retaliation following a report and to generally ameliorate the effects of Harassment, Intimidation, Bullying. The following potential strategies, as well as other strategies, may be considered:

1. Supervising and disciplining offending students fairly and consistently;
2. Providing adult supervision during breaks, lunch time, bathroom breaks and in the hallways during times of transition;
3. Maintaining contact with parents and guardians of all involved parties;
4. Providing counseling for the victim if assessed that it is needed;
5. 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;
6. Checking with the victim regularly to ensure that there have been no incidents of Harassment/Intimidation/Bullying or retaliation from the offender(s).
7. Responding respectfully to complaints of suspected prohibited conduct.

8. Promoting open communication regarding Harassment, Intimidation, Bullying.
9. Providing professional development and community opportunities to educate and collaborate with school personnel, parents, and community members about addressing Harassment, Intimidation, Bullying.
10. Educating students regarding Harassment, Intimidation, Bullying.
11. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior.
12. Avoiding sex-role stereotypes. Modeling and promoting strategies that instruct student how to work together in a collaborative and supportive atmosphere. Use of peers to help ameliorate the effects of Harassment, Intimidation, Bullying.

VIII. Semi-Annual Reporting Obligations

The School Leader will semi-annually provide the president of the School's Board of Directors a written summary of all reported incidents and post the summary on the School's Website, if one exists. The list will be limited to the number of verified acts of Harassment, Intimidation and Bullying, whether in the classroom, on school property, to and from school, or at school- sponsored events.

IX. Publication & Dissemination of Policy

- A. This policy shall be included in the student handbook and in the publication which sets forth the comprehensive rules, standards, and procedures regarding school conduct. The School will annually disseminate this Policy to School personnel, students, and parents.
- B. To ensure school personnel are prepared to prevent and effectively intervene with incidents of Harassment, Intimidation or Bullying, the School has incorporated the information about this Policy into its employee training materials.
- C. 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 School policies, procedures and rules.

IX. Sexual Harassment

- A. Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:
 1. Conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct. (quid pro quo)
 2. Unwelcome conduct determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the School's education program or activity.

3. Sexual assault as defined in the Clery Act 20 U.S.C. 1092(f)(6)(A)(v), dating violence 34 U.S.C. 12291 (a)(10), domestic violence 34 U.S.C. 12291(a)(8), or stalking as defined in the Violence Against Women Act 34 U.S.C. 12291(a)(30).

- B. Complaints of Sexual Harassment. Procedures for filing and the investigation of allegations of sexual harassment are addressed in Compliance with Title IX of the Educational Amendments of 1972 regulations.

X.

The Designated Title IX Coordinator for the School is:

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