

## **HARASSMENT, INTIMIDATION AND BULLYING**

(ARCHDIOCESAN POLICY ADOPTED BY ST. BERNADETTE - 2018)

- It is the policy of St. Bernadette School that any form of harassment, intimidation, or bullying, regardless of where, how, or when it takes place, is expressly forbidden.
- The School's internet and computer system may not be used to engage in harassment, intimidation, or bullying. The "Student Responsible Use of Technology" form must be signed by each student and on file with the School.
- The School reserves the right to impose discipline for harassing, intimidating, bullying, and other inappropriate behavior that takes place off School grounds and outside School hours.

### **Definition of Terms**

**"Electronic Act"** is an act committed through the use of a cellular telephone, computer, tablet, pager, personal communication device, or other electronic communication device.

**"Harassment, intimidation, or bullying"** means either of the following:

1. Any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student more than once, and the behavior **both**:
  - Causes mental or physical harm to the other student; and
  - Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.
2. Electronically transmitted acts (see above) that a student has exhibited toward another particular student more than once and the behavior **both**:
  - Causes mental or physical harm to the other student; and
  - Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

**Evaluating Behavior** In evaluating whether conduct constitutes harassment, intimidation, or bullying, special attention should be paid to the words chosen and actions taken, whether such conduct occurred in front of others or was communicated to others, how the offender interacted with the victim, and motivation, either admitted or appropriately inferred. Accordingly, what may constitute harassment, intimidation, or bullying in one circumstance might not constitute such in another. As in all disciplinary matters, the School will make this determination utilizing its sole and absolute educational discretion and judgement.

### **Types of Conduct**

Harassment, intimidation, and bullying can include many different behaviors including, but not limited to, overt intent to ridicule, humiliate, or intimidate another student. Examples of conduct that could constitute prohibited behaviors include:

1. Engaging in unsolicited and offensive or insulting verbal or visual behavior such as derogatory jokes, comments, slurs or unwanted sexual advances, derogatory or sexually oriented posters, photography, cartoons, drawings or gestures;

2. Physical violence and/or attacks such as assault, unwanted touching, blocking normal movements or interfering with work, studies or play for any reason;
3. Threats, taunts, and intimidation through words and/or gestures such as the threat or use of physical or emotional harm to the person, property, reputation or family of any student, staff member, or adult.
4. Extortion, damage, or stealing of money and/or possessions;
5. Exclusion from the peer group or spreading rumors; and
6. Repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies, computers, cell phones, other electronic devices, the Internet, online websites, blogs, or social media/networks (also known as “cyber-bullying”). Examples of cyber-bullying include, but are not limited to the following:
  - a) Posting slurs on the Internet, websites, blogs, or social media/networks;
  - b) Sending abusive or threatening instant messages, text messages, emails, or other communications through the Internet, websites, blogs, or social media/networks;
  - c) Taking embarrassing photographs of students and posting them online or otherwise distributing them; and
  - d) Using the Internet, websites, blogs, social media/networks, or electronic communication devices to impersonate another individual or circulate gossip or rumors to other students.
7. Retaliation - any action or threat of action for having reported or threatened to report harassment.

## **Complaints**

### **Formal Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such written reports shall be reasonably specific including persons involved, number of times and places of the alleged conduct, the target of the suspected harassment, intimidation, or bullying and the names of any potential witnesses. Such reports may be filed with any School staff member or administrator, and they shall be promptly forwarded to the principal or her designee.

### **Informal Complaints**

Students and/or their parents/guardians may make informal complaints of conduct that they consider to be harassment, intimidation, 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, intimidation, or bullying including persons involved, number of times and places of the alleged conduct, the target of the prohibited behavior and the names of any potential witnesses. 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 administration shall be promptly forwarded to the principal or her designee.

### **Requests for Anonymity**

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the School staff member or administrator who receives 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 concept of fairness to the student alleged to have committed acts of harassment, intimidation, or bullying.

### **School Personnel Responsibilities**

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

- a. Teachers and other School staff who witness acts of harassment, intimidation, or bullying, as defined above, shall promptly notify the principal or her designee of the event observed, and shall promptly document the events witnessed. Teachers and other School staff who receive students or parent reports of suspected harassment, intimidation, or bullying shall promptly notify the principal or her designee of such reports. If the report is a formal, written complaint, such complaint shall be forwarded promptly to the principal or her designee. If the report is an informal complaint by a student that is received by a teacher or other staff member, he or she shall document the informal complaint and promptly forward it to the principal or her or his designee.
- b. In addition to addressing both informal and formal complaints, School personnel are encouraged to address the issue of harassment, intimidation, and bullying in other interactions with students. School personnel may find opportunities to educate students about harassment, intimidation, or 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 or individual, even if such conduct does not meet the formal definition of harassment, intimidation, or bullying set forth above.
- c. All School personnel must cooperate with investigations by outside agencies, if any incident merits a report to law enforcement or Children's Protective Services.

#### **2. Administrator Responsibilities**

- a. Investigation
  - i. The principal or his or her designee shall be promptly notified of any formal or informal complaint of suspected harassment, intimidation, or bullying. Under the direction of the principal or her/his designee, all such complaints shall be investigated promptly. The principal or her designee shall document the investigation, including any conversations with the

alleged offender, victim, students, or other witnesses. Written statements may also be obtained from these individuals.

- ii. Notwithstanding the foregoing, 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 offender), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

b. Response

- i. Verified acts of harassment, intimidation, or bullying shall result in an intervention by the principal or her/his designee. The intention of such intervention is to ensure that the prohibition against harassment, intimidation, and bullying is enforced, with the goal that any such prohibited behavior will end.
- ii. 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, including suspension and expulsion. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.
- iii. Harassment, intimidation, and bullying behavior can take many forms and vary dramatically in seriousness and impact on the victim and other students. Accordingly, there is no one prescribed response or discipline to verified acts of harassment, intimidation, or bullying. The forms of discipline listed in this Handbook are guidelines, and the School may use other disciplinary measures as the situation warrants. The decision whether to impose discipline and, if so, to what extent, is left to the professional and educational discretion of the principal or her/his designee.
- iv. Once harassment, intimidation, or bullying has been verified, the principal or his/her designee should monitor the situation to determine whether there have been additional incidents of harassment, intimidation, or bullying, or retaliation from the offender or other parties. Additionally, the principal or his/her designee may inform School personnel of the incident and instruct them to monitor the victim and the offender for indications of harassing, intimidating, bullying or retaliatory behavior. School personnel are to intervene when prohibited behaviors are witnessed.

c. Reporting

- i. **Report to the Parent or Guardian of the Offender** if an investigation into an act of harassment, intimidation or bullying is verified. The parent/guardian shall also be notified of any disciplinary consequences imposed against that student.
- ii. **Report to the Parent or Guardian of the Victim** if an investigation into an act of harassment, intimidation or bullying is verified.

- iii. **Police and Child Protective Services** will be contacted as appropriate. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse will be reported to the Child Protective Services, consistent with the Archdiocese Decree on Child Protection and Ohio law. All School personnel must cooperate with investigations by outside agencies.

### **Miscellaneous**

No discipline issued pursuant to any Handbook shall bind the School to issue the same, or even comparable, discipline to other students in the future. Nor will any form or extent of discipline be construed as a precedent for how discipline will be imposed moving forward. Rather, the School reserves sole judgment and discretion in disciplining students based on the particular circumstances of each incident, including but not limited to the respective age(s) of the student(s) involved, the student(s)' perceived maturity level, the conduct at issue, the student(s)' attitude and degree of cooperation, the student(s)' disciplinary history, and any other aggravating or mitigating circumstances the School deems present. Nothing in this section, or anywhere else in this handbook, limits or otherwise constrains the School's authority, discretions, judgment, or responsibility in any student disciplinary matters.