



**2022-2023**

**ANTI-HARRASSMENT, INTIMIDATION & BULLYING POLICY**

The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Harassment, intimidation, or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes aggressive behavior, physical, verbal, and psychological abuse, and violence within a dating relationship. The Board will not tolerate any gestures, comments, threats, or actions, which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, on a school bus, or while in route to or from school, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, in a school vehicle, or where an employee is engaged in school business.

This policy has been developed in consultation with parents, District employees, volunteers, students, and community members as prescribed in O.R.C. 3313.666 and the State Board of Education's Model Policy.

Harassment, intimidation, or bullying means:

- A. Any intentional written, verbal, electronic, or physical act that a student or group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student(s) and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s)

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

Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. This type of behavior is a form of intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyber bullying, intimidating, menacing, coercion, name calling, taunting, making threats, and hazing.

Harassment, intimidation, or bullying also means cyber bullying through electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device)

that a student(s) or a group of students exhibits toward another particular student(s) more than once and the behavior both causes mental and 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(s).

Any student or student's parent/guardian who believes s/he has been or is the victim of aggressive behavior should immediately report the situation to the building Head of Schools or assistant Head of Schools, or the Superintendent. The student may also report concerns to teachers and other school staff who will be responsible for notifying the appropriate administrator or Board official. Complaints against the Head of Schools should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports may be made to those identified above.

All complaints about aggressive behavior that may violate this policy shall be promptly investigated. The Head of Schools or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation, and/or bullying 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.

If the investigation finds an instance of harassment, intimidation, and/or bullying/cyber bullying by an electronic act or otherwise, has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include suspension or up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

Retaliation against any person, who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as aggressive behavior. Retaliation may result in disciplinary action as indicated above.

Deliberately making false reports about harassment, intimidation, bullying and/or other aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Deliberately making false reports may result in disciplinary action as indicated above.

If a student or other individual believes there has been aggressive behavior, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

The District shall implement intervention strategies (AG 5517.01) to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such a report.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. If after investigation, acts of bullying against a specific student are verified, the Head of Schools or appropriate administrator shall notify the custodial parent/guardian of the victim of such finding. In providing such notification care shall be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation, and/or bullying.

If after investigation, acts of harassment, intimidation, and/or bullying by a specific student are verified, the Head of Schools or appropriate administrator shall notify in writing the custodial parent/guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in the notification.

## **ANTI-HARRASSMENT, INTIMIDATION & BULLYING PROTOCOL**

### **Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation, or bullying. Such reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, 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 Head of Schools for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal or anonymous 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 complaints shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation, and/or bullying, and the names of any potential student or staff witnesses. A school staff member or administrator who receives an informal or anonymous complaint shall promptly document the complaint in writing, including the information provided. This written report shall be promptly forwarded by the school staff member and/or administrator to the Head of Schools for review, investigation, and appropriate action.

Individuals who make informal complaints as provided above may request that the school staff member(s) and administrator(s) who receive the complaint maintain their name in confidence. Anonymous complaints shall be reviewed and reasonable action shall 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.

When an individual 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 subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

### **Privacy/Confidentiality**

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

### **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of all reported incidents and post the summary on the District web site (if one exists). The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services in accordance with statute. District personnel shall cooperate with investigations by such agencies.

### **Immunity**

A School District employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation, and/or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

### **Notification**

Notice of this policy will be annually circulated and posted in the office and main bulletin board in the school building. The policy will be discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students enrolled at the school and to their custodial parents or guardians.

## **Education and Training**

Annually, the school shall provide all students enrolled in the age-appropriate instruction regarding the Board's policy, including a written or verbal discussion of the consequences for violations of the policy.

The District shall provide professional development on this policy for school employees and volunteers who have direct contact with students.

## **ZERO TOLLERANCE POLICIES**

### **GANGS**

Membership or affiliation in gangs is against the philosophy of Wings Academy. Indication of gang involvement (colors, hats, signs, language, etc.) is strictly prohibited. Writing gang symbols on any property of Wings Academy is grounds for discipline, and may result in expulsion. Any student who indicates possible gang affiliation will be referred to authorities.

### **GUN-FREE SCHOOLS ACT (GFSA) OF 1994.**

In accordance with the **Gun-Free Schools Act of 1994 (20 U.S.C. Chapter 70, Section 8921)**, Wings Academy will expel any student bringing a weapon to school for not less than one year. The GFSA defines the term “weapon” as:

- Any handgun, rifle, shotgun, pellet gun, zip gun, paintball gun or slingshot. A toy that has the appearance of a handgun and has the potential to create a disturbance and/or fear among students/staff will be considered a “weapon” for the purposes of this policy.
- Any weapon that will or is designed to or may readily be converted to expel a projectile by the action of any explosive
- The frame or receiver of any weapon described above
- Any firearm muffler or firearm silencer
- Any destructive device, including:
  - ~ bomb
  - ~ grenade
  - ~ rocket having a propellant charge of more than four ounces
  - ~ missile having an explosive or incendiary charge of more than one-quarter ounce
  - ~ mine, or
  - ~ similar device

- Any weapon which will, or which may readily be converted to, expel a projectile by the action of an explosive or other propellant and which has a barrel with a bore of more than one-half inch diameter.
- Any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

Any student bringing a weapon, as defined in the GFSA, to school or on to school property will be referred to Cuyahoga County juvenile justice system, as required by the GFSA. In the case of an immediate threat, school officials will contact the 911 emergency number. Where there is no threat of imminent harm or danger, the police radio dispatcher will be contacted.

**Compliance with Individuals with Disabilities Education Act (IDEA).** Wings Academy will comply with the provisions of IDEA. A student with a disability who brings a firearm to school may be removed from school for up to ten days and placed in an interim alternative educational setting (i.e. home instruction) determined to be appropriate by the student's individualized education program team, for up to forty-five calendar days. If the student's parents initiate due process proceedings under IDEA, the student will remain in that alternative educational setting during the authorized review proceedings, unless the parents and school district agree on a different placement.