

THE GRAHAM SCHOOL
ANTI-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-BULLYING POLICY
Amended & approved by The Graham School Board 2/5/18

GENERAL STATEMENT OF THE POLICY

The Graham School is committed to providing students with a safe, secure and supportive classroom and school environment, conducive to academic learning, experiential learning, and the development of healthy human relationships. It is the policy of the School to maintain a safe and supportive learning and working environment that is free from all forms of discrimination and harassment, including bullying, and physical or emotional harm. This policy specifically includes discrimination, harassment, or bullying related to, but not limited to, race, color, national origin, gender, gender identity, handicap, age, sexual orientation, religion or limited English skills. It also includes acts that may not relate to any particular characteristic. No student of the school shall be subjected to discrimination, harassment or bullying. No school personnel of the school shall be subjected to discrimination or harassment. This policy applies to conduct during or relating to school or school-sponsored activities, on or off school property, on any Columbus City School bus or any bus utilized on behalf of the school's academic or experiential program and to conduct that occurs away from school that has the effect of interfering with a safe and secure school environment conducive to academic learning, experiential learning, and/or the development of healthy human relationships. This policy does not preclude the application of any provisions of State law that apply to student and teacher behavior; nor does this policy apply to speech that is otherwise protected under the state or federal constitution.

1. Within his/her area of supervision, each administrator is responsible for promoting understanding, acceptance, and assuring compliance with State and Federal laws, Board policy, and procedures governing discrimination, harassment and/or bullying.

2. The School acts to investigate all complaints, either formal or informal, verbal or non-verbal, of discrimination, harassment and/or bullying; and to discipline or take appropriate action against any student, teacher, administrator, other school personnel, or those whose actions have the effect of interfering with a safe and secure school environment.

3. Under the School policy, any student or staff member may bring a complaint against any member of the school community, a customer, vendor or contractor believed to have violated the policy.

4. The School will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against (or attempts to retaliate against) any person who reports alleged discrimination, harassment, bullying, or violence; files a complaint of harassment, testifies, assists or participates in any investigation, hearing or proceeding related to such discrimination, harassment, bullying or violence. Retaliation includes, but is not limited to, any form of threat, intimidation, reprisal or discrimination.

Notice and Training

Notice of this policy will be circulated to all departments of the School and incorporated in staff and student handbooks and be available in the school office. All school staff, including any others who, at the school request have responsibility for students, will be provided yearly training to recognize and respond to discrimination, harassment, and/or bullying incidents.

Procedures

Any person who alleges discrimination, harassment and/or bullying by a staff member or student in the School may use the procedure detailed in the School's Anti-Discrimination, Anti-Harassment, Anti-Bullying Complaint Procedure. Filing a complaint or otherwise reporting discrimination, harassment and/or bullying will not reflect upon the individual's status, nor will it affect future employment, grades or work assignments. The right of confidentiality, for both the accuser and the accused, will be respected consistent with the School's legal obligations; with the necessity to investigate allegations of misconduct; and with the necessity to take corrective action when this conduct has occurred.

Consequences

A substantiated charge against a student in the School shall subject that student to disciplinary action consistent with the Student Code of Conduct, which may include suspension or expulsion. A

substantiated charge against a staff member in the School shall subject that staff member to disciplinary action, up to and including termination. A first time offense of discrimination or harassment may be a dischargeable offense. Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse will be reported to Child Protection Services. Any supervisor or employee who violates this policy by allowing the conduct to go unaddressed will be disciplined. Such discipline may include reprimands, suspensions and/or removal.

DEFINITIONS

Nondiscrimination

The School, in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975, does not discriminate on the basis of race, color, national origin, gender, handicap or age in any of its policies, procedures or practices; nor does the School discriminate on the basis of sexual orientation, religion or limited English skills. This nondiscrimination policy covers student access to courses and programs, student policies and their application, and participation in and benefits of any activity in the School. The School will take any measures necessary to effectuate the requirements of these acts.

Anti-Harassment

It is a violation of this policy for any student, teacher, administrator, other school personnel, or those in a school building or attending a school function to harass a student, teacher, administrator or other school personnel through conduct or communication verbally or in writing by any medium. Harassment can be of a sexual nature, or regarding race, color, national origin, limited English skills, ethnicity, gender, disability, age, sexual orientation, religion, or having the effect of intentionally to hurt, frighten, threaten, or intimidate. A single incident may be sufficient for disciplinary action.

Harassment:

1. Has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance; or
3. Otherwise adversely affects an individual's academic or employment opportunities.

Racial or Color Harassment: Racial or color harassment can include unwelcome verbal, written or physical conduct, directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking and negative references to racial customs.

National Origin and Limited English Skills Harassment: Harassment on the basis of national origin is unwelcome verbal, written or physical conduct, directed at the characteristics of a person's national origin and/or limited English skills, such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Gender (sexual) Harassment: is any unwelcome sexual attention or behavior. Sexual harassment is determined by the effect on the receiver, not the intent of the harasser. Sexual harassment occurs when:

1. an individual is subject to unwelcome sexual behavior or advances and submission is made a term or condition of a person's employment or advancement or of a student's participation or advancement in school programs or activities;
2. decisions affecting employees or students are based on submission to or rejection of such sexual behavior or,
3. a hostile, intimidating, uncomfortable, offensive or nonproductive work or learning environment is created by any type of unwelcome sexual behavior.
4. Gender (sexual) harassment may include but is not limited to the following:
 - a. verbal harassment or abuse of a sexual nature
 - b. pressure for sexual activity
 - c. repeated remarks with sexual or demeaning implications
 - d. unwelcome touching
 - e. sexual jokes
 - f. sexual materials, posters, etc.
 - g. sexually suggestive gestures or looks
 - h. name-calling of a sexual nature
 - i. sexual rumors
 - j. sexual assault
5. Gender (sexual) harassment may occur

- a. student to student
- b. staff to student
- c. student to staff
- d. staff to staff
- e. male to male
- f. female to female
- g. male to female
- h. female to male

Disability Harassment: Disabled person means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Disability harassment includes harassment based on a person's disabling mental or physical condition and includes any unwelcome verbal, written or physical conduct, directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement or interference with necessary equipment.

Age Harassment: Harassment on the basis of age is unwelcome verbal, written or physical conduct, directed at the characteristics of a person's age, such as name calling.

Sexual Orientation Harassment: Harassment on the basis of sexual orientation is unwelcome verbal, written or physical conduct, directed at the characteristics of a person's sexual orientation, such as negative name calling and imitating mannerisms.

Religious Harassment: Religious harassment consists of physical or verbal conduct which is related to an individual's religion.

Bullying: Bullying may occur when a student or group of students intentionally keeps hurting, frightening, threatening or excluding another student, or participates in organizing others to do so. Bullying may be verbal, written by any medium, relational, or be physical behavior over some duration. Bullying impacts in the following ways:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or school environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or school performance;
3. has the effect of damaging an individual's emotional or social well being; or
4. otherwise adversely affects an individual's academic or schooling opportunities.

Bullying incidents may include but are not limited to the following:

- a. physical violence or assaults (hitting, kicking, pushing)
- b. threats, taunts and intimidation through words and/or gestures
- c. extortion, damage or stealing of money and/or possessions
- d. sexual (unwanted physical contact, attention, comments, images)
- e. homophobic (focusing on sexuality or sexual preference)
- f. name-calling and/or put-downs
- g. spreading rumors or gossip, or purposefully reporting false information
- h. using electronic devices to circulate gossip and rumors, sending abusive, harassing or threatening e-mail, instant messages or other cyber-bullying.

Harassment, intimidation or bullying also includes violence within a dating relationship.

Complaint Procedure

Complaints filed pursuant to this policy shall receive prompt and equitable resolution. Documentation of follow-through and resolution in all circumstances will be maintained.

I. Complaints alleging a student as offender

1. A student's parent/guardian may file a complaint on the student's behalf. A complaint, filed in good faith, alleging a violation of the School's Anti-Discrimination, Anti-Harassment and Anti-Bullying policy against a student may be brought to the following officials.
 - a. any staff member that the student, or parent of the student, chooses,
 - b. building Dean of Academics, or
 - c. Superintendent
2. 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 or bullying. A staff member either receiving a complaint, observing a violation, or substantiating a complaint of violation of the Anti-Discrimination, Anti-Harassment and Anti-Bullying policy must intervene, and must document the complaint on the appropriate incident report. The report is forwarded within one school day to the building administrator who will investigate in a timely manner as required by law. Victims have the right to representation at their own expense.

3. Communication with parents, subject to state and federal student records laws, of both the victim and perpetrator will occur. Continued reports on a particular student may involve parents in the development of further interventions or actions. A substantiated charge against a student in the School shall subject that student to disciplinary action consistent with the Student Code of Conduct, which may include suspension or expulsion. Participation in interventions does not supersede the possibility of disciplinary action.

4. Any employee who violates this policy by allowing the conduct to go unaddressed will be disciplined. Such discipline may include reprimands, suspensions and/or removal.

5. Semiannually a written summary of verified incidents will be provided to the Board of Education, and will be posted on the School web page.

II. Complaint alleging school personnel as offender

1. A complaint filed in good faith alleging discrimination or harassment perpetrated by school personnel may be brought to any of the following officials:

- a. A building dean or supervisor;
- b. Superintendent or CEO of Academics

2. The official to whom the complaint is originally brought will make the dean or supervisor, and the Superintendent and CEO of Academics aware of the allegations.

3. Available Options - A person bringing a complaint is appraised of all options under policy by the official taking the complaint. These options are described below:

- a. Informal resolution of the complaint
 - 1) with the assistance of the building dean or supervisor,
 - 2) with the assistance of the Superintendent or CEO of Academics.
- b. Formal resolution of the complaint
 - 1) filed with the building dean or supervisor,
 - 2) filed with the Superintendent or CEO of Academics.

4. Procedures for Intake of Complaints - The official to whom the complaint is initially brought discusses with the complainant the following relevant considerations:

- a. The complainant should be informed that:
 - 1) A decision to proceed informally does not preclude the filing of a formal complaint at some later time.
 - 2) The filing of an informal complaint is not a prerequisite to a formal complaint.
 - 3) Action on the complaint is necessary. Such action normally will not be taken without informing the complainant in advance of such action.
- b. The behavior that prompted the complaint.
- c. The complaint process, including the available options.
- d. The issues involved in the complaint.
- e. The necessity of an investigation.
- f. Possible resolutions of the complaint.
- g. Protection of the complainant's interests (e.g., confidentiality consistent with the School's legal obligations, truthfulness by both parties; communication of steps taken during the process; protection of complainant and witnesses against retaliatory action).
- h. Protection of the interests of the alleged offender (e.g. confidentiality consistent with the School's legal obligations; truthfulness by both parties; communication of any formal complaint or informal complaint; opportunity to respond to the complainant's allegations).
- i. The complainant and the alleged offender are given a copy of the Anti-Discrimination, Anti-Harassment and Anti-Bullying Policy and these Complaint Procedures. Once all of the above information has been discussed, the complainant determines which option to use to resolve the complaint.

5. Matters to be investigated include:

- a. Whether the specific conduct alleged constitutes a form of discrimination or harassment as defined in the Policy, including the type(s) of alleged conduct; frequency of alleged occurrence; date(s) or time period over which the alleged conduct occurred; location of alleged

occurrence(s); whether similar complaints have been made by others; and all factual circumstances upon which the complaint is based.

b. The specific relationship of the alleged offender to the complainant.

c. The effect of the alleged offender's conduct on the complainant, including any consequences that may be attributed to the conduct.

d. Whether the alleged offender was aware of the complainant's concern regarding the behavior.

e. Whether a building dean, supervisor, Superintendent or CEO of Academics was aware of the complainant's concern, and if so, how he/she became aware of the concern.

f. Whether any prior steps were taken to resolve the complaint.

6. Possible outcomes of investigation:

i) a finding that there is sufficient evidence supporting the alleged violation and corrective action, which could include discipline, will occur;

ii) a finding that there is insufficient evidence supporting the alleged violation; or

iii) a negotiated settlement of the complaint. A negotiated settlement of the complaint may be entered at any time during this process. A negotiated settlement must be approved by both parties and by the Superintendent.

a. Time period for investigation complaints: Investigations of formal complaints should be concluded within 30 calendar days after they are made. When it is not reasonably possible to conclude the investigation within that amount of time, the Superintendent will notify the complainant and the alleged offender in writing of the delay and reasons for the delay.

b. Notice to parties. At the conclusion of the investigation, the Superintendent promptly informs both the complainant and the alleged offender of the outcome and the factual findings.

c. Written report of findings. Upon conclusion of the investigation of a formal complaint, the Superintendent prepares a written summary of the findings. If the investigation results in a finding of any discrimination or harassment as defined in the Anti-Discrimination, Anti-Harassment, and Anti-Bullying Policy, recommendations are made to take prompt and effective action, consistent with the severity of the offense. This report is provided to the appropriate administrative official for implementation.

d. A finding may be appealed to the Superintendent, then to the Board. Such appeal will be based on the record and any new information which could not have been previously provided with reasonable diligence.

e. Sanctions. A substantiated charge against a staff member shall subject that staff member to disciplinary action which may include reprimands, suspensions with or without pay and/or termination.

Presence of Support Persons

The complainant and/or alleged offender may be accompanied at any interview by a friend, family member, legal representation and/or other individuals of the complainant's or alleged offender's choice.

Confidentiality

To the extent possible, the Superintendent treats as confidential all information received in connection with the filing, investigation, and resolution of complaints except to the extent it is necessary to disclose particulars in the course of the investigation. Parties to a complaint should observe the same standard of discretion and respect for the reputation of all parties involved in the process.

Record Keeping

Any person conducting a formal investigation shall maintain a written record of all witness interviews, consent provided, evidence gathered and the outcomes of the investigation. **A common form for record keeping will be developed and used across all schools under the TGFS name.** Records of investigation will not be maintained in personnel files or student files unless part of formal corrective action. Investigatory records are maintained by the Superintendent in accordance with record retention schedules. Copies of the final report are given to the complainant and the alleged offender.

LEGAL REFS: Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, (Amended 1972), Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act; 29 USC 206
Rehabilitation Act; 29 USC 794
Individuals with Disabilities Education Act; 20 USC 1401 et seq.

Age Discrimination in Employment Act; 29 USC 623
Immigration Reform and Control Act; 42 USC 1324a et seq.
Americans with Disabilities Act; 42 USC 12112 et seq.
Ohio Const. Art. I, Section 2
ORC 3323.01
ORC 3313.666; 3301.22; 3319.321
Family Educational Rights and Privacy Act of 1974,
88 Stat.571.20 U.S.C. 1232g, as amended
Chapter 4112
OAC 3301-35-02(A) (1); 3301-35-03(A)
CROSS REFS: ACA, Nondiscrimination on the Basis of Gender
ACAA, Sexual Harassment
ACB, Nondiscrimination on the Basis of Disability
GBA, Equal Opportunity Employment
GBO, Verification of Employment Eligibility
IGAB, Human Relations Education
IGBA, Programs for Students with Disabilities
IGBAA, 504 Procedural Safeguards
IGBI, English as a Second Language (Limited English Proficiency)
IGBJ, Title I Programs
JB, Equal Educational Opportunities
JFC, Student Conduct (Zero Tolerance)
JFCF, Anti-Hazing
Staff Handbooks
Student Handbooks