

SETTLEMENT AGREEMENT

Between the Northeastern Local School District and
the U.S. Department of Justice, Civil Rights Division

DOJ Case Number DJ 169-58-52

BACKGROUND

The United States Department of Justice, Civil Rights Division (“DOJ”) investigated alleged incidents of racial discrimination and harassment at Kenton Ridge High School (“KRHS” or the “School”) in the Northeastern Local School District (“NELSD” or the “District”) in Springfield, Ohio. Pursuant to the investigation, the United States also reviewed the District’s policies and practices for responding to student complaints of racial discrimination and harassment at the District. NELSD voluntarily enters into this Settlement Agreement (“Agreement”) to resolve DOJ’s concerns. The parties consent to the terms of this Agreement.

I. JURISDICTION

DOJ enforces Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c–2000c-9 (“Title IV”), which prohibits discrimination based on race, color, sex, religion, and national origin by public elementary and secondary schools and public institutions of higher learning. This statute is the basis asserted by DOJ for jurisdiction to investigate and resolve this matter.

II. DEFINITIONS

A. “Harassment” includes the use of derogatory language (including racial epithets), intimidation and threats, unwanted physical contact and/or physical violence, and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, electronic postings, and/or phone messages because of a person’s membership in a protected class or the

protected class of the person's family or associate. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

B. "Racial harassment" means harassment based on race or color.

C. A "hostile environment" exists when harassment is sufficiently severe, pervasive, or persistent to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities in the educational program.

III. GENERAL REQUIREMENTS

A. The District shall take action, in accordance with the requirements of Title IV, to eliminate and prevent future instances of racial harassment in its education programs and activities. To accomplish this, the District agrees to make all necessary and appropriate revisions to its harassment policies; appropriately and promptly respond to and stop all conduct that constitutes racial harassment; ensure it fully investigates reported conduct that may constitute racial harassment; increase remedial efforts by instituting additional measures when students are harassed on a repeated basis or when the District determines that existing remedial efforts are ineffective; and mitigate the effects of racial harassment or a hostile environment that occurs. The District shall also take proactive measures to address issues in the school climate that have arisen from or may arise from and/or contribute to a hostile environment.

B. No later than September 30, 2012, the District shall retain the Great Lakes Equity Center, an Equity Assistance Center based at Indiana University-Purdue University Indianapolis, or another qualified third-party consultant mutually agreed upon by the District and the United States, to consult with the District to study and determine what measures the District needs to take to address, prevent, and respond effectively to racial harassment at District schools and comply with the terms of this Settlement Agreement. The entity or individual retained shall be called the

“Equity Consultant” throughout this Settlement Agreement. The District shall be responsible for any costs associated with the retention of the Equity Consultant, including travel and lodging. The District shall give the Equity Consultant access to any and all data, documents, or information the Equity Consultant deems necessary to fulfill his or her duties under this Settlement Agreement.

C. Any documents, information, or training offered by the District to parents or students in accordance with this Settlement Agreement shall be translated into the District’s major languages and disseminated or made available to students and parents or guardians who do not speak English as their native language in a manner comparable to English-speaking students and parents or guardians.

D. This Settlement Agreement shall remain in force for three (3) years from the date it is signed. It shall not be terminated prior to the beginning of the 2015-2016 school year.

IV. SPECIFIC REQUIREMENTS

A. Anti-Harassment Statement

By October 1, 2012, the Superintendent and School Board shall issue a statement to all District students, parents, and staff that will be printed in the School’s and District’s newsletters, posted in prominent locations at the District’s schools, and published on the District’s website, stating that the District does not tolerate acts of harassment, including harassment based on race. The statement shall encourage any student who believes he or she has been subjected to racial harassment or a hostile environment based on race to report the harassment or hostile environment to the District and note the District’s commitment to conducting a prompt investigation. The statement shall include the appropriate contact information for the designated staff member in each school required in accordance with Section IV.C.4 of this Settlement

Agreement, to whom students and parents may report allegations of racial harassment and/or discrimination. The statement shall inform parents and students of the availability of the District's new *Harassment Reporting Form* and where such form can be located, and shall provide a link to the form on the District's website. The statement shall inform students that the District shall respond to all acts of racial harassment or other acts that create a hostile environment based on race and make clear that such response may include suspension or expulsion of those responsible for the harassment or hostile environment. The statement shall encourage students, parents, and District staff to work together to prevent acts of racial harassment. The District shall distribute this statement in accordance with Section III.C of this Settlement Agreement.

B. Revisions to District Policies and Procedures

1. The District shall engage the Equity Consultant to review and recommend revisions as necessary to all of the District's policies and procedures that impact racial harassment, to ensure that the District specifically and appropriately addresses racial harassment pursuant to Title IV. The revisions should address, but are not limited to, those issues identified in this Settlement Agreement.

2. For purposes of this Settlement Agreement, the policies and procedures encompassed by the preceding paragraph that the Equity Consultant shall review are referred to as "relevant policies and procedures" and shall include, but not be limited to: *Anti-Harassment Policy* (Board Policy 5517) (Attach. A); *Anti-Harassment Policy Administrative Guidelines* ("*Anti-Harassment Guidelines*") (Attach. B); *Bullying and Other Forms of Aggressive Behavior Policy* (Board Policy 5517.01.) ("*Bullying Policy*") (Attach. C); *Bullying and Other Forms of Aggressive Behavior Policy Administrative Guidelines* ("*Bullying Guidelines*") (Attach. D);

Harassment or Intimidation (Bullying) Incident School Investigation Form (“*Investigation Form*”) (Attach. E); and the *Student/Parent Rights & Responsibilities Handbook* (“*Student/Parent Handbook*”).

3. In addition to the recommendations of the Equity Consultant, revisions to the District’s relevant policies and procedures also shall include:

a. Adding an anti-retaliation provision in the *Anti-Harassment Policy* to protect those who report racial harassment, those who provide information as witnesses, and those who associate with a target(s) of racial harassment;

b. Including the *Anti-Harassment Policy* in the *Student/Parent Rights & Responsibilities Handbook*;

c. Providing a clear explanation in the *Student/Parent Rights & Responsibilities Handbook* of the difference between the *Anti-Harassment Policy* and the *Bullying and Other Forms of Aggressive Behavior Policy* that clarifies what conduct is covered under each policy;

d. Adding a procedural requirement that the District electronically track all racial harassment incidents (including any written or verbal report, discipline referral, or complaint involving possible racial harassment) and that the tracking includes: the name, race, sex, grade, school, and other relevant information of the student harassed, the person reporting the harassment (if different than the student harassed), the alleged harassing student, and all known witnesses to the alleged incident(s); specific details on the date(s), time(s), nature, content, and location(s) of the harassment incident(s); the date the complaint or other report was made; the date the alleged harassing student was interviewed; a brief summary of the investigating official’s findings and the basis for those findings; the District’s response to the

incident; whether the targeted student has been harassed on more than one occasion; and whether the offending student has harassed the targeted student or other students on more than one occasion;

e. Adding a requirement that for incidents of racial discrimination or harassment involving no identified student target(s), such as written or graphic statements (e.g., graffiti) located or distributed before, during or after school hours on all school property, including the school bus, at school functions, or at school-sponsored events held at other locations, and any racially discriminatory off-campus conduct that has a continuing effect on any District campus and of which the District knows or should have known, the District shall develop a district-wide system for tracking the frequency of each incident, including, for example, taking a photo or otherwise recording the date and location of the incident; and

f. Adding a requirement that any supporting written documentation related to any racial harassment incident be maintained for the duration of this Settlement Agreement, including but not limited to: any written report or complaint; interview notes; any written statements of the student(s) harassed, person(s) reporting the harassment, witnesses, or alleged harassing student(s); any records of correspondence with the parent(s) or guardian(s) of the student(s) harassed or the parent(s) or guardian(s) of the alleged harassing student(s) regarding the incident; and existing documentation of any prior incidents of discrimination or harassment involving the student(s) subject to harassment or the alleged harassing student(s).

4. Procedures and Timeline for Revision and Implementation

a. No later than October 14, 2012, the Equity Consultant shall communicate to the District and to the United States his or her: (1) findings or conclusions

regarding areas needing editing, clarification, or improvement in the relevant policies and procedures, and (2) recommendations for revisions to the relevant policies and procedures.

b. No later than November 5, 2012, the District shall submit to the United States for review and approval its proposed revisions to its relevant policies and procedures incorporating all of the Equity Consultant's recommendations. The United States' approval will not be unreasonably withheld. If, however, the District and the United States initially disagree regarding the proposed revisions, the District and the United States shall work together in good faith to resolve any disagreements.

c. After the United States approves the proposed revised policies and procedures, the Board shall review and adopt the proposed revised policies and procedures within sixty (60) calendar days or two scheduled Board meetings, whichever is sooner.

d. The District shall continue to distribute annually its student and employee handbooks, and such handbooks shall contain the revised relevant policies and procedures printed in full, along with accurate and updated title and contact information of the school-level and District-level individuals responsible for receiving and/or responding to racial harassment complaints, and a copy of the District's *Harassment Reporting Form*.

e. The District's website shall contain the revised relevant policies and procedures in full, and accurate and updated name and contact information of the school-level and District-level individuals responsible for receiving racial harassment complaints.

f. The District shall make available a hyperlink to a *Harassment Reporting Form* on the District's website in a form-fillable PDF or similar technology allowing direct electronic submission of the completed document to school and/or District officials, and the District shall publicize the availability of this online form to all its students and their parents

or guardians. The District shall make this form available in accordance with Section III.C of this Settlement Agreement. A copy of a sample form is appended to this Settlement Agreement as Attachment F.

g. When the District revises any of the relevant policies or procedures during a school year pursuant to Section IV.B.1-3 of this Settlement Agreement, it shall disseminate notice of the revised policies and procedures to its students, parents and guardians, and employees, and ensure all students, parents and guardians, and employees are able to access a full copy of the revised policies and procedures (e.g., by announcement on the District's website, email distribution to parents/guardians and employees, distribution of a written notice to students to take home with information on where hard copies of the revised policies are available, posting on school bulletin boards, etc.) no more than thirty (30) days after Board approval.

5. Once the District revises its relevant policies and procedures pursuant to the terms above, the District shall not modify those policies and procedures, rescind any of the policies or procedures, or adopt any new policies or procedures that relate to, are relevant to, or affect racial harassment during the period of the Settlement Agreement without following the process set forth in Sections IV.B.4.b-f.

C. Anti-Harassment Coordinator

1. The District shall hire or appoint a qualified person knowledgeable in all aspects of racial harassment in the school context with experience conducting training on racial harassment or related civil rights issues and in carrying out the duties and responsibilities enumerated in Section IV.C.2, *infra*, to serve as Anti-Harassment Coordinator. This individual is

vested with responsibility from the District to ensure proper implementation of the District's racial harassment policies and procedures.

a. Prior to making an offer of employment or an appointment of an Anti-Harassment Coordinator, no later than September 30, 2012, the District shall submit the name and resume or curriculum vitae of the individual it would like to hire or current employee it seeks to appoint as the Anti-Harassment Coordinator to the United States. Under the terms of this Settlement Agreement, the United States has authority to review and approve the hiring or appointment of the individual the District selects for Anti-Harassment Coordinator for compliance with Title IV and the underlying reasons for this Settlement Agreement. Such approval shall not be unreasonably withheld. If, however, the District and the United States initially disagree, the District and the United States shall work together in good faith to resolve any disagreements.

b. Should the Anti-Harassment Coordinator, once hired or appointed, leave that position during the term of this Settlement Agreement, the District shall immediately notify the United States and shall work with the United States to hire or appoint a replacement pursuant to the terms in Section IV.C.1.

2. The Anti-Harassment Coordinator duties shall include:

a. Ensuring the District complies with and carries out the requirements of and its obligations under Title IV;

b. Implementing District policies and procedures related to racial harassment and ensuring administrators, staff, and students comply with those policies and procedures;

c. Monitoring all complaints of racial discrimination and harassment pursuant to Section IV.C.3., *infra*;

d. Identifying trends or common areas of concern related to Title IV compliance and assisting schools in addressing such issues;

e. Coordinating between and among school and District staff, students, and parents regarding Title IV issues including, but not limited to, issues related to racial harassment;

f. Training District employees, students, and parents regarding racial discrimination and harassment, and District policies and procedures pursuant to Section IV.D, *infra*; and

g. Consulting with security personnel and administrative staff following any incidents of racial harassment or assault or threats of such incidents.

3. In consultation with the Equity Consultant, the District and its Anti-Harassment Coordinator shall establish a system for District review of school-level investigations and resolutions of student conduct that may constitute racial harassment to ensure both compliance with the District's revised *Anti-Harassment Policy* and the revised *Anti-Harassment Policy Administrative Guidelines*, and that the District accounts for all racial harassment to properly assess the effectiveness of the District efforts to prevent and eliminate racial harassment. The Equity Consultant will assist in the implementation of those procedures.

a. The Anti-Harassment Coordinator shall submit for the United States' approval written copies of the system developed pursuant to Section IV.C.3 within sixty (60) calendar days of hire or appointment. Under the terms of this Settlement Agreement, the United States has authority to review and approve the District's proposed system for review of

school-level investigations and resolutions of student conduct that may constitute racial harassment. The United States' approval will not be unreasonably withheld. If, however, the District and the United States initially disagree regarding the proposed system, the District and the United States shall work together in good faith to resolve any disagreements.

4. In addition to the Anti-Harassment Coordinator, the District shall designate at least one administrator or staff member ("Designated Person") at each elementary, middle, and high school who will be responsible for overseeing reports and investigations of racial harassment and answering staff and student questions regarding the harassment policies and procedures in his or her school.

a. By the first day of school each year, the District shall provide the name and contact information of the Designated Person for each school on its website and on a prominent bulletin board in each school's main office. The District shall also include the name of the Designated Person at each school on its website and in student and employee handbooks.

b. Each school in the District shall also identify and introduce its Designated Person to all students during student orientation or a student assembly at the beginning of each school year.

c. The Anti-Harassment Coordinator will communicate regularly with the Designated Person at each school to ensure the schools' harassment policies and procedures comply with those of the District and the Settlement Agreement.

D. Training and Professional Development

1. The District shall work with the Equity Consultant and the Anti-Harassment Coordinator to review, recommend, and implement trainings on racial harassment and retaliation for reporting racial harassment, consistent with best practices, for all students and

all staff who interact with students in the District. All such trainings shall be mandatory and the District shall ensure that any student or employee who misses a scheduled training receives the training in a timely manner. The District also shall work with the Equity Consultant and the Anti-Harassment Coordinator to recommend and implement trainings on racial harassment and retaliation for reporting racial harassment; those trainings will be geared towards parents and guardians of students in the District.

2. The District shall provide training to all staff who interact with students (including contractors) on racial harassment and retaliation on an annual basis, and on a make-up basis for those staff who miss the annually scheduled training. By November 1, 2012, the Equity Consultant shall review and recommend improvements to the content of the District's staff training program. The Equity Consultant's recommendations for staff training content shall include, but are not limited to:

a. In-depth instruction on the type of conduct that constitutes racial harassment and retaliation and a discussion about the negative impact that such harassment and retaliation have on students, employees, and the educational environment;

b. In-depth discussion on the importance of, sensitivity to, and respect for the diversity of the student body;

c. A facilitated discussion on the root causes of racial harassment and the harms resulting from such conduct;

d. Specific guidance and discussions of steps to foster a nondiscriminatory educational environment for all students;

e. A review of the revised harassment policies and procedures with emphasis on the District's and its employees' responsibility to respond to all racial harassment

and retaliation, to report all incidents of harassment and retaliation they witness or learn of to their school's Designated Person or the District's Anti-Harassment Coordinator, and to take effective action to end racial harassment, prevent its recurrence, and as appropriate, remedy its effects;

f. Clarification that the school/District must conduct an investigation into all allegations of racial harassment and retaliation even if there is a parallel investigation by law enforcement or another external entity;

g. An introduction of the Anti-Harassment Coordinator and an explanation of his/her role;

h. Identification of designated staff at each school who are available to answer questions or address concerns regarding the harassment policies and procedures or other issues related to racial harassment and retaliation (*see supra* Section IV.C.4);

i. Clarification that failure by school officials to respond in a timely, reasonable, effective, and appropriate manner to racial harassment or retaliation of which they knew or should have known violates District policy and potentially violates federal and/or state laws; and

j. Clarification that, in countering racial harassment, staff should inform students who harass others that the District accepts and respects the dignity of all students, regardless of their race, and that harassing comments or actions are inappropriate, harmful, and disruptive, and will not be tolerated at school.

3. The District shall provide instruction to all of its students on racial harassment and retaliation on an annual basis and on a make-up basis for students who miss the annually scheduled training. By November 15, 2012, the Equity Consultant shall review and

recommend content for the District's training program for students. The Equity Consultant's recommendations for student training content shall include, but are not limited to:

a. Instruction on the types of conduct that constitute racial harassment and retaliation, including the use of multiple examples of the different types of behaviors that can constitute racial harassment;

b. Instruction on the negative impact that such harassment and retaliation have on students and on the educational environment;

c. Information regarding how students are expected to respond to racial harassment and retaliation they experience or witness, or of which they otherwise know or become aware, including the reporting avenues available;

d. Information regarding how teachers, administrators, and staff are expected to respond to racial harassment and retaliation they witness or to incidents that are reported to them;

e. A discussion of potential consequences for students who harass or retaliate against their peers, including a statement that the District and every school in the District will not tolerate racial harassment and retaliation, and will address all such incidents;

f. An introduction of the Anti-Harassment Coordinator and an explanation of his/her role; and

g. Instruction designed to promote an inclusive and safe educational environment for all students, including issues related to the prevention of racial harassment, retaliation, and violence.

4. The District shall make available training for parents on racial harassment and retaliation on an annual basis. By November 31, 2012, the Equity Consultant shall review

and recommend content of the District's training program for parents. The Equity Consultant's recommendations for parent training content shall include information similar to that provided to students and staff, but shall be tailored to the information needs of parents. The District shall make available in-person parent training prior to or at the start of each school year and shall make informational materials available on its website and in hard copy at each school. The District shall make all parent trainings available in accordance with Section III.C of this Settlement Agreement.

5. Within forty-five (45) calendar days of the first day of the 2012-2013 school year, and then at least annually thereafter for the term of this Settlement Agreement, the District and the Anti-Harassment Coordinator, with the assistance of the Equity Consultant, shall provide mandatory training(s) on racial harassment to every Designated Person specific to their roles and responsibilities.

6. The District shall work with the Equity Consultant to determine an appropriate format for each annual and make-up training included in Section IV.D. The District and the Equity Consultant shall ensure that the group sizes and potential inclusion of discussions, role-plays, and/or time for questions and answers conform to best practices in the field, as determined by the Equity Consultant.

7. The District is responsible for assuming any and all costs associated with the required trainings referenced in Section IV.D.

8. Under the terms of this Settlement Agreement, the United States has the discretion to review and approve the District's design and content of the student, parent, and staff trainings incorporating all of the requirements in Section IV.D.1-6. The review and approval process shall encompass the following:

a. The District and the Equity Consultant shall work together to submit a written proposal to the United States for its student, staff, and parent trainings incorporating all of the requirements in Section IV.D.1-6 and including any additional recommendations by the Equity Consultant and the proposed dates of such trainings. The proposal for the employee trainings shall be submitted by December 1, 2012; the proposal for the student trainings shall be submitted by December 15, 2012; and the proposal for the parent trainings shall be submitted by December 15, 2012.

b. The proposal shall include detailed descriptions of the content of the trainings, the intended audience, the size of the audience, the schedule and length of the trainings, and the identity of the individual(s) providing the training.

c. The United States shall review and approve the District's proposed trainings for compliance with Title IV, this Settlement Agreement, and the underlying reasons for this Settlement Agreement. If, however, the District and the United States initially disagree, the District and the United States shall work together in good faith to resolve any disagreements.

E. Security Cameras & Staff Monitoring at Kenton Ridge High School

1. Within forty-five (45) calendar days of the first day of the 2012-2013 school year, KRHS shall install additional security cameras so that all student lockers, hallways, the cafeteria, and any location where students may congregate outside of classrooms (with the exception of restrooms and locker rooms) are in view of at least one camera.

2. The School shall ensure that teachers and/or staff are present in hallways and other locations where students may congregate (with the exception of restrooms and locker rooms) during times when students are not in classrooms.

3. Consistent with the Family Educational Rights and Privacy Act, the School shall make teachers and/or staff aware of incidents of racial harassment, the students involved, and any additional relevant information so that teachers and/or staff can monitor interactions between students after the incident to prevent racial harassment from recurring and/or retaliation for reporting racial harassment.

F. Mental Health Needs of Students

1. By September 31, 2012, the District agrees to hire or appoint a qualified individual who holds a Master's degree or a PhD in a mental health field, a current licensure, and has previous experience as a clinician, to act as a consultant ("Mental Health Consultant"). The Mental Health Consultant shall review and assess current practices in the District with regard to assisting students who are targets of racial harassment, including students who may be at risk for mental health problems that include, but are not limited to depression, suicidal ideation, or suicide attempts.

2. By November 15, 2012, the Mental Health Consultant shall prepare a report (the "Mental Health Report") recommending action steps for the District to effectively address, assist, and respond to students who are targets of racial harassment, including students who may be at risk for mental health problems that include, but are not limited to depression, suicidal ideation, or suicide attempts.

3. At a minimum, the Mental Health Report shall include the following:

a. Assessment of the mental-health needs of students in the District who were targets of racial harassment;

b. Recommendations for ways in which the District can better meet the mental-health needs of such students;

c. A review of and recommendations for the District's procedures for (1) identifying risk factors for such students struggling with serious mental health issues and recommendations for improvements; (2) intervening with such students at risk for depression and/or suicide and recommendations for improvements; (3) tracking and monitoring students at risk for depression and suicide, and recommendations for improvements; and (4) handling suicidal ideation, suicide attempts, and other mental health crises among students in the District and recommendations for improvements; and

d. A review of the District's training(s) for administrators, counselors, psychologists, and any other District mental-health professionals related to any of the recommendations contained in the Mental Health Report, and recommendations for improvements.

4. The District, after hiring or appointing its Mental Health Consultant, shall provide the Mental Health Consultant with all information he or she believes is necessary to prepare the Mental Health Report.¹

5. Within seven (7) calendar days of its receipt, the District shall provide the United States with a copy of the Mental Health Report.

6. By December 15, 2012 the District shall submit to the United States for its review and approval a plan detailing how the District intends to address the recommendations contained in the Mental Health Report for the 2012-2013 school year and subsequent school years. Under the terms of this Settlement Agreement, the United States has authority to review and approve the District's plan for addressing the Mental Health Report recommendations for its

¹ The Mental Health Consultant's access to personally identifiable information shall be in accordance with the regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.31(a)(1).

compliance with Title IV, this Settlement Agreement, and the underlying reasons for this Settlement Agreement. The United States' approval shall not be unreasonably withheld. If, however, the District and the United States initially disagree regarding the proposed plan, the District and the United States shall work together in good faith to resolve any disagreements.

G. School Climate Survey

1. The District shall consult with the Equity Consultant to develop and administer a School Climate Survey ("Survey") for all students and staff to assess the presence and effect of harassment based on race and the environment in schools within the District. The District may create separate age-appropriate surveys for elementary, middle, and high school students. The District may create a separate survey for staff.

2. The student and staff surveys shall be administered in fall 2012 and spring 2013, and annually thereafter, and shall allow for respondents to answer the survey anonymously.

3. Prior to administration, the District shall submit the proposed Survey to the United States, along with an explanation of when and how the District intends to implement the Survey during the 2012-2013 school year and subsequent school years.

4. The Equity Consultant shall train the District administrators on how to properly interpret the results of its Survey and respond to the findings (e.g., modify policies or procedures according to the terms of this Settlement Agreement).

5. The District shall submit an analysis of the results of the survey prepared by the Equity Consultant to the United States within sixty (60) calendar days of the date the surveys are administered for each year this Settlement Agreement is in force. The analysis shall

include any climate issues identified through the Surveys and recommendations to address racial harassment as needed.

6. Based on a review of the results of the climate surveys and the recommendations of the Equity Consultant, the District shall work together in good faith with the Equity Consultant to agree on appropriate corrective actions by the District to address all climate issues related to racial harassment identified through the surveys and analysis. The District shall implement the agreed-upon actions and notify the United States of its actions.

H. Anti-Harassment Task Force

1. The District shall form an Anti-Harassment Task Force (“Task Force”) to advise the District regarding how best to foster a positive educational climate free of racial harassment.

2. At a minimum, members of the Task Force shall include, but are not limited to: the Anti-Harassment Coordinator, students (including at least two minority students), parents of students in the District (including at least two parents of minority students), teachers or school counselors, and school administrators.

3. The Anti-Harassment Coordinator, or his or her designee, shall coordinate and schedule the Task Force’s meetings and work.

4. The Task Force shall meet at least twice per school year and maintain documentation of the date and duration of each meeting as well as meeting minutes.

5. At least once per school year, and more often if the Task Force deems it appropriate, the Anti-Harassment Coordinator or his/her designee shall prepare a written report (“Task Force Report”) summarizing the Task Force’s recommendations and suggestions. Each

annual Task Force Report shall be completed by the last day of each school year this Settlement Agreement is in force. The Task Force Report shall include, but not be limited to:

a. Concerns of students and parents related to racial harassment incidents and the District's overall climate;

b. Recommendations for strategies to prevent racial harassment and improve the climate; and

c. Outreach strategies to parents and families to build awareness, address concerns, and gain feedback regarding the District's anti-harassment efforts.

6. The District shall provide the Equity Consultant and the United States with copies of the Task Force Report in the District's annual report to the United States (*see infra* Section IV.L). The District shall carefully consider the findings and recommendations of the Task Force in determining whether additional measures are necessary to address issues related to racial harassment and its impact on school climate.

I. Peer Leadership

1. The District shall ensure that all of its middle and high schools have a peer leadership program addressing racial harassment by the beginning of the second semester of the 2012-2013 school year. The District may tailor its peer leadership programs to the specific needs of each individual middle and high school, so long as every program has an anti-harassment component.

2. The District shall work with the Equity Consultant to review the need for additional training on responding to or preventing racial harassment and retaliation for students in the peer leadership programs.

J. Role of District Leadership in Assessing School Climate

1. The District's leadership shall play a prominent role in addressing racial harassment in District schools. To this end, the Superintendent or Assistant Superintendent may convene annual meetings with students at each middle and high school in the District to discuss racial harassment. If such meetings are held, each school shall advertise the meetings and permit students to participate voluntarily. In addition, each school may select students to attend the meeting to ensure the meeting shall have at least 8-10 students with a diversity of backgrounds, interests, and experiences.

2. During each meeting, the District shall emphasize its commitment to having a school environment free from racial harassment and inform attendees about the Anti-Harassment Coordinator and his/her duties, the Designated Person and his/her duties, and the Task Force (*see* Section IV.C.2, IV.C.4, and IV.H of this Settlement Agreement), including identifying any representatives on the Task Force from that particular school.

3. During each meeting, the District shall also remind the students of their right to file a complaint of racial harassment at any time they believe they have been subjected to such harassment and shall advise the students of the procedure they should follow if they wish to do so.

4. The Superintendent or Assistant Superintendent shall submit a written summary of all meetings, identifying key issues by school and all necessary follow-up tasks to the Equity Consultant, the Anti-Harassment Coordinator, and the United States in the District's annual report to the United States (*see infra* Section IV.L).

K. Monitoring and Assessment of Program Effectiveness

1. By September 31, 2012, the District shall develop and begin implementing a monitoring program to assess the effectiveness of its anti-harassment efforts. In developing the

monitoring program, the District shall consider the recommendations and suggestions made by the Equity Consultant.

2. At the conclusion of each school year, the District, in collaboration with the Equity Consultant and the Anti-Harassment Coordinator shall conduct an annual assessment of the effectiveness of the District's anti-harassment efforts. Such assessment shall include, but is not limited to:

- a. A review of the Anti-Harassment Task Force Report(s);
- b. A review of the School Climate Surveys and related analysis;
- c. A review of the summaries of meetings conducted by the Superintendent or Assistant Superintendent with middle- and high-school students;
- d. A review by the Anti-Harassment Coordinator of all reports of racial harassment and District responses thereto in its electronic database, including any and all supporting documentation and/or underlying analyses;
- e. An analysis of all racial harassment incidents in the District disaggregated by the race, school, and grade of both the target(s) of the harassment and the harassing student(s); and
- f. An evaluation and analysis of the data collected, including an assessment of whether the reported incidents of racial harassment have increased or decreased in number and severity; whether certain students are harassed more than once or are alleged to have harassed students more than once in racial harassment complaints; and differences between and among individual District schools in the numbers, types, and severity of racial harassment incidents.

3. Based on the annual assessment conducted pursuant to Section IV.K.2, the District shall develop recommendations for ways to improve its anti-harassment program.

L. Reporting

1. By July 1 of each year this Settlement Agreement is in effect, the District shall submit a report to the United States. The report shall include the following:

a. A document analyzing all of the information collected and reviewed pursuant to Section IV.K.2; (2) the District's proposed recommendations for improvements to its anti-harassment program pursuant to Section IV.K.3; and (3) timelines for the implementation of the recommendations;

b. A copy of the summaries of meetings conducted by the Superintendent or Assistant Superintendent with middle- and high-school students;

c. A copy of the Anti-Harassment Task Force Report;

d. Documentation of the District's compliance with this Settlement Agreement that shall cover the immediately preceding school year, and include the following information and documents:

1. The date and duration of each training session required by this Settlement Agreement; copies of all agendas for such training sessions; copies of any sign-in sheets for training sessions; and copies of any training materials distributed at the trainings, including videos or PowerPoint presentations;

2. The number of students and employees, by grade or position and school, who did not receive each required training and the District's plan for these individuals to receive the training(s) they missed. The District shall provide additional verification of completed training for those individuals who received rescheduled training;

3. A summary of racial harassment incidents that includes data, by school, on: the number and types of complaints; the prevalence of each type of harassment (e.g., physical, verbal, or written); the remedial or disciplinary actions taken; the races, grades, and sexes of the target(s) of racial harassment and the harassing student(s); copies of all supporting documentation for each racial harassment incident; and any other relevant information;

4. Copies of any District policies and procedures related to harassment or discrimination that the District has revised, adopted, or rescinded since the previous annual report;

5. Certification by the Anti-Harassment Coordinator that he or she has reviewed all incidents related to discrimination and harassment based on race and all documentation related to such incidents to determine whether all harassment incidents were properly identified, investigated, and resolved consistent with District policies and procedures and this Settlement Agreement, or, if not, that he or she has taken appropriate corrective action pursuant to Section IV.C.3 of this Settlement Agreement; and

6. Certification by the District that it has fully and sufficiently addressed all incidents alleging racial harassment of which the District had actual or constructive knowledge.

2. If the United States provides comments on the District's proposed recommendations for improvement actions and timelines for their implementation, it will do so no later than the first Friday in August of each year. The District shall incorporate the United States' comments into the District's action plans.

3. The District shall provide all reports, documents, and information required

to be produced to the United States pursuant to this Settlement Agreement in electronic form, usable by the United States, or in written form if the data in electronic form would not be usable, in accordance with the timelines set forth herein.

a. The District shall produce to the United States all reports, documents, and information required by this Settlement Agreement, including those that contain private student information. The law enforcement exception to the Family Educational Rights and Privacy Act (“FERPA”) applies to the United States in this matter, allowing it to receive documents containing private student information. *See* 20 U.S.C. § 1232g (b)(1)(C)(ii); *see also United States v. Bertie Cnty. Bd. of Educ.*, 319 F. Supp. 2d 669, 671–72 (E.D.N.C. 2004). The United States shall maintain the confidentiality of any protected private student information it receives from the District.

4. If the District, despite its good faith efforts, is unable to meet any timeline set forth in this Settlement Agreement, it shall immediately notify the United States of the delay and the reason therefore. The United States may provide a reasonable extension of the timeline at issue and will consider any request for extension of time in good faith.

M. Enforcement

1. The United States has the authority to enforce the terms of this Settlement Agreement, Title IV, and other applicable federal laws.

2. The District understands that the United States will monitor this Settlement Agreement until it determines that the District has fulfilled the terms of this Settlement Agreement and is in compliance with all applicable federal civil rights laws regarding the issues in this case. The Settlement Agreement may not be terminated prior to sixty (60) calendar days following the United States’ receipt of the District’s 2014-2015 annual report.

3. The District further understands that the United States retains the right to evaluate the District's compliance with this Settlement Agreement, including the right to conduct site visits, observe trainings, interview District staff and students (including ex parte communications with students and employees other than school and District administrators), and request such additional reports or data as are necessary for the United States to monitor the District and to determine whether the District is in compliance with this Settlement Agreement and federal law. A response to a request by the United States for additional reports or data necessary to determine if the District is in compliance with this Settlement Agreement shall not be unreasonably withheld. Also, with seven (7) calendar days advance notice, the United States may visit any school in the District to monitor compliance with the terms of this Settlement Agreement and the District agrees to provide full access to the United States to perform such monitoring.

4. By signing this Settlement Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Settlement Agreement.²

5. In the event that the United States believes that the District has failed to comply with any provision of this Settlement Agreement or has failed to comply in a timely manner with any requirement of this Settlement Agreement, the United States will provide written notice to the District, and the District shall then respond to such notice and/or cure such

² The District shall provide to the United States one copy of all documents and information it is required to produce to the United States in this Agreement, in electronic format where possible, and the remainder directed to the following address:

U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section, PHB 4300
601 D Street NW
Washington, DC 20004

non-compliance within thirty (30) calendar days. The parties shall negotiate in good faith in an attempt to resolve any dispute relating thereto. If the United States is unable to reach a satisfactory resolution of the issue(s) within thirty (30) calendar days of providing notice to the District, it may initiate enforcement proceedings in federal court. If the District and the United States are unable to resolve any disagreements in a reasonable period of time, any party may seek judicial relief.

6. If any dispute under this Settlement Agreement is not resolved pursuant to Sections IV.M.1-5, any aggrieved party may file a motion with the Court for such further orders as may be necessary for, or consistent with, the enforcement of this Settlement Agreement.

V. MISCELLANEOUS

A. Except for modifications to deadlines that are agreed upon in writing by the parties, this Settlement Agreement, including its attachments, constitutes the entire agreement by the parties and no other statement, promise, or agreement, either written or oral, made by any party or agents of any party that is not contained in this written Settlement Agreement shall be enforceable regarding the matters raised in this Settlement Agreement.

B. Failure of a party to seek enforcement of this Settlement Agreement pursuant to its terms with respect to any instance or provision shall not be construed as a waiver to such enforcement with regard to other instances or any provisions.

C. In consideration of, and consistent with, all the terms of this Settlement Agreement, the United States agrees to refrain from undertaking further investigation into, or pursuing legal proceedings regarding, all matters contained within the Settlement Agreement, except those rights and remedies identified in the Settlement Agreement.

D. The United States retains the right to petition the Court, at any time during the duration of this Agreement, for the purpose of enforcing the Agreement consistent with Section IV.M.5 of this Settlement Agreement.

E. This Settlement Agreement does not cover any other pending or future complaints or investigations by the United States.

F. This Settlement Agreement does not affect the District's duty to comply with of the Equal Protection Clause, Title IV, or any other law.

G. The District (including its officers, agents, affiliates, subsidiaries, servants, employees, and all other persons or entities in active concert or privity with it) agrees not to retaliate against any student or employee who has assisted or participated in a proceeding or investigation in relation to the allegations outlined above.

H. The undersigned representatives of the parties certify that they are authorized to enter into and consent to the terms and conditions of the Settlement Agreement and to execute and legally bind the parties to it.

I. If any provision of this Settlement Agreement is determined by any court to be unenforceable, the other terms of this Settlement Agreement shall nonetheless remain in full force and effect, provided however, that if the severance of any such provision materially alters the rights or obligations of the parties, the United States and the District shall engage in good-faith negotiations in order to adopt such mutually agreeable amendments to this Settlement Agreement as may be necessary to restore the parties as closely as possible to the initially agreed-upon relative rights and obligations.

J. This Settlement Agreement is final and has binding effect on the parties, including all principals, agents, executors, administrators, representatives, employees, successors in interest, beneficiaries, assigns, and legal representatives thereof.

K. No sooner than sixty (60) calendar days following the receipt of the District's 2014-2015 annual report, and upon full compliance with the terms of this Settlement Agreement, any and all claims associated with this Settlement Agreement that the United States may have against the District, its predecessors, successors, boards, board members, employees, representatives, or agents will be resolved.

L. This Settlement Agreement does not resolve any claims that individuals may have against the District related to these matters.

FOR THE UNITED STATES OF AMERICA:

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division
United States Department of Justice

ANURIMA BHARGAVA, Chief
WHITNEY M. PELLEGRINO, Special Legal Counsel
Civil Rights Division
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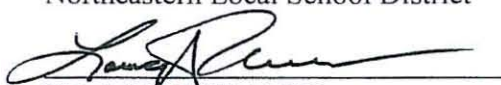
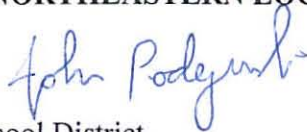
Dated: September 28, 2012

FOR DEFENDANT NORTHEASTERN LOCAL SCHOOL DISTRICT

JOHN PODGURSKI

General Counsel

Northeastern Local School District



DR. LOUIS KRAMER

Superintendent

Northeastern Local School District

1414 Bowman Road

Springfield, OH 45502

Tel: 937-325-7615

Dated: September 28, 2012

ATTACHMENTS LIST

Attachment A: Anti-Harassment Policy (Board Policy 5517)

Attachment B: Anti-Harassment Policy Administrative Guidelines

Attachment C: Bullying and Other Forms of Aggressive Behavior Policy (Board Policy 5517.01.)

Attachment D: Bullying and Other Forms of Aggressive Behavior Policy Administrative Guidelines

Attachment E: Harassment or Intimidation (Bullying) Incident School Investigation Form

Attachment F: Sample Harassment Reporting Form

ATTACHMENT A

5517 - ANTI-HARASSMENT POLICY

General Policy Statement

It is the policy of the Board of Education to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, race, color, national origin, religion, disability, or any other unlawful basis, and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

Definitions

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;

- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery" as set forth in Ohio Revised Code 2907.03. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur

where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The names and titles of the Anti-Harassment Complaint Coordinators with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in the administrative guidelines that supplement this policy. The names and titles of these individuals will be published annually:

- A. in the parent and staff handbooks;
- B. annual newsletter.

The Superintendent shall establish Administrative Guidelines describing both a formal and an informal process for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of harassment was substantiated. This Policy and the Administrative Guidelines will be readily available to all members of the School District community and posted in appropriate places throughout the School District.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Complaint Coordinators. Thereafter, the Complaint Coordinator must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Complaint Coordinator or designee to conduct an investigation following all the procedures outlined for a formal complaint.

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 with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

Informal Process for Addressing Complaints of Harassment

The administrative guidelines will include an informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School District community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The administrative guidelines will include as a requirement the prerequisite that the informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process. Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.

Formal Process for Addressing Complaints of Harassment

The administrative guidelines will also include a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

Members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the Administrative Guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the Complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the Administrative Guidelines.

After a complaint is filed, the Complaint Coordinator or designee shall conduct a prompt and timely investigation. The investigation may include interviews of the complainant, the individual accused of engaging in harassing behavior, and any other witness who may reasonably be expected to have information relevant to the situation. All interviewed parties

and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

At the conclusion of the investigation the Complaint Coordinator or designee will prepare and deliver to the Superintendent a written report summarizing the evidence gathered during the investigation and providing his/her recommendations regarding whether or not the complaint of unlawful harassment has been substantiated. The written report must be based on the totality of the circumstances involved in the complaint, the nature of the alleged conduct, the context in which the alleged conduct occurred, and the ages and maturity of the individuals involved.

Upon review of the written report the Superintendent will either issue a final decision regarding whether or not the complaint of unlawful harassment was substantiated, or request that further investigation be conducted. A copy of Superintendent's action will be delivered to both the Complainant and the individual accused of the harassing conduct.

A Complainant who is dissatisfied with the Superintendent's decision may appeal it to the Board of Education by submitting written notice to the Superintendent within ten (10) days of the date of the Superintendent's decision. Upon receipt of a notice of appeal, the Board shall meet in executive session at its next regularly scheduled meeting, which is scheduled to occur at least ten (10) days after the Superintendent's receipt of the appeal notice, to review the complaint and the summary of the investigation. Following the meeting, the Board will issue a decision either affirming, modifying, or rejecting the Superintendent's decision. The decision of the Board shall be final.

The Complaint process set forth in the policy and in the administrative guidelines is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Ohio Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and administrative guidelines or in such other manner as deemed appropriate by the Board or its designee.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and harassment in general, will be age and content appropriate.

R.C. 4112.02
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 794
42 U.S.C. 12101 et seq.
20 U.S.C. 1681 et seq.
42 U.S.C. 1983
National School Boards Association Inquiry and Analysis – May, 2008

Revised 12/17/09

ATTACHMENT B

ANTI-HARASSMENT ADMINISTRATIVE GUIDELINES

Relevant Definitions

"School District community" includes students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors or other persons subject to the control and supervision of the Board of Education.

"Third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

"Sexual Harassment" has the same definition as set forth in the policy of the Board as reflective of the definition set forth in Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Ohio Revised Code 4112.02.

Prohibited Behavior

- A. Conduct constituting sexual harassment may take different forms, including, but not limited to, the following:

1. **Verbal:**

The making of offensive written or oral sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats, or propositions toward or by a fellow staff member, student, or other person associated with the District, or third parties.

2. **Nonverbal:**

Causing the placement of offensive sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of offensive sexually suggestive or insulting gestures, sounds, leering, whistling, and the like to or by a fellow staff member, student, or other person associated with the District, or third parties.

3. **Physical Contact:**

Threatening or causing unwanted touching, contact, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with or by a fellow staff member, student, or other person associated with the District, or third parties. With

respect to students, the question of whether or not physical contact is unwanted or consensual is irrelevant where such contact is engaged in by District employees or other adult members of the School District community.

B. Conduct constituting harassment on the basis of race, color, national origin, religion, or disability may take different forms, including, but not limited to, the following:

1. **Verbal:**

The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's race, color, national origin, religious beliefs, or disability.

2. **Nonverbal:**

Placing offensive objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures based upon a person's race, color, national origin, religious beliefs, or disability.

3. **Physical:**

Any intimidating or disparaging action such as hitting, pushing, shoving, hissing, or spitting on or by a fellow staff member, student, or other person associated with the District, or third parties, based upon the person's race, color, national origin, religious beliefs, or disability.

C. Examples of inappropriate boundary invasions include, but are not limited to the following:

1. telling sexual jokes to students
2. engaging in talk containing sexual innuendo or banter with students
3. talking about sexual topics that are not related to curriculum
4. showing pornography to a student

5. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")
6. initiating or extending contact with students beyond the school day for personal purposes
7. using e-mail, text-messaging or websites to discuss personal topics or interests with students
8. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
9. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)
10. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)
11. being alone with a student behind closed doors without a legitimate educational purpose
12. telling a student "secrets" and having "secrets" with a student
13. other similar activities or behavior

Anti-Harassment Complaint Coordinators

The following individuals shall serve as "Anti-Harassment Complaint Coordinators" for the School District, hereinafter referred to as the "Complaint Coordinators".

Superintendent	Director of Pupil Personnel
937-325-7615	937-325-7615
1414 Bowman Drive	1414 Bowman Drive
Springfield, OH 45502	Springfield, OH 45502

The Complaint Coordinators will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist members of the School District community and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the member of the School District community or third party in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process. However, all complaints of harassment involving a District employee or other adult member of the School District community will be formally investigated.

Complaint Coordinators shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Complaint Coordinator will begin a formal investigation process or the Complaint Coordinator will designate a specific individual to conduct such a process. The Complaint Coordinator will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Complaint Coordinator as soon as possible upon learning of the incident.

Investigation and Complaint Procedure (see [Form 5517 F1](#))

Any member of the School District community or third party who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. While there are no time limits for initiating a complaint of harassment, individuals should make every effort to file a complaint as soon as possible after the harassing conduct occurs. The investigation procedures are established to provide a prompt and equitable process for resolving complaints of unlawful harassment.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a member of the School District community or third party who believes s/he has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process. However, all complaints of harassment involving a District employee will be formally investigated, as will complaints against any other adult where a student is involved.

As an initial course of action, if a member of the School District community or third party feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Complaint Coordinator is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint.

A member of the School District community or third party who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a building administrator in the building where the individual is employed; (2) to a building administrator in the building where the student attends; (3) to the Superintendent if the individual is not employed in or attending a specific school building; and/or (4) to the Complaint Coordinator. All informal complaints must be reported to the Complaint Coordinator who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide members of the School District community and third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the member of the School District community or third party claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the member of the School District community or third party about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the Anti-Harassment Policy as a reminder to the individuals in the school building or office where the individual whose

behavior is being questioned works or attends.

- C. If both parties agree, the Complaint Coordinator may arrange and facilitate a meeting between the member of the School District community or third party claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Complaint Coordinator will exercise his/her authority to attempt to resolve all informal complaints within two (2) weeks of receiving the informal complaint. Those members of the School District community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated, as part of the informal complaint process will be retained by the Complaint Coordinator in accordance with the Board's records retention policy.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the member of the School District community or third party elects to file a formal complaint initially, the formal complaint process shall be implemented.

A member of the School District community or third party who believes s/he has been subjected to offensive conduct/harassment hereinafter referred to as the "Complainant", should file a formal complaint, either orally or in writing with the Complaint Coordinator. If a Complainant informs any other employee of the School District, either orally or in writing, about any complaint of harassment, that employee must immediately report such information to the Complaint Coordinator, thereafter the Complaint Coordinator must contact the Complainant to determine whether the Complainant wishes to file a formal or an informal Complaint.

Throughout the course of the process, the Complaint Coordinator should keep the Complainant informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and, identification of the resolution which the Complainant seeks.

If the Complainant is unwilling to provide a written statement including the information set forth above, the Complaint Coordinator shall ask for such details in an oral interview. Thereafter the Complaint Coordinator will prepare a written summary of the oral interview which will be presented to the Complainant for verification by signature.

Upon receiving a formal complaint, the Complaint Coordinator will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to, a change of job assignment or a change of class schedule. In making such a determination, the Complaint Coordinator should consult the Complainant to assess his/her agreement to any action deemed appropriate. If the Complainant is unwilling to consent to any change which is deemed appropriate by the Complaint Coordinator, the Complaint Coordinator may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving a formal complaint, the Complaint Coordinator will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "Respondent," that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of these Administrative Guidelines and the Board Anti-Harassment Policy shall be provided to the Respondent at that time. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within two (2) business days of receiving the complaint, the Complaint Coordinator or a designee will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the Complaint Coordinator or a designee will attempt to complete an investigation into the allegations of harassment within fourteen (14) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information, which is reasonably believed to be relevant to the allegations.

In determining whether the alleged conduct constitutes a violation of Policy [5517](#), the District will consider:

- A. the nature of the behavior;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior;
- D. the relationship between the parties involved;
- E. the race, national origin, sex, religion, age and/or disability of the victim;
- F. the identity of the perpetrator, including whether the perpetrator was in a position of power over the person allegedly subjected to harassment;
- G. the number of alleged harasser(s);
- H. the age of the alleged harasser(s);
- I. where the harassment occurred;
- J. whether there have been other incidents in the school involving the same or other individuals;

- K. whether the conduct adversely affected the person's work or education performance or environment;
- L. the context in which the alleged incidents occurred;
- M. whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and
- N. whether a particular action or incident constitutes a violation of Policy [5517](#) requires a determination based on all the facts and surrounding circumstances.

At the conclusion of the investigation, the Complaint Coordinator or the designee shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subject to unlawful harassment. The Complaint Coordinator's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Complaint Coordinator or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal to the Board by filing a written notice of appeal with the Superintendent within ten (10) business days of the date of the Superintendent's final decision.

Upon receipt of a notice of appeal of the final decision of the Superintendent, the Board shall meet in executive session at its next regularly scheduled meeting, which is scheduled to occur at least ten (10) days after the Superintendent's receipt of the appeal notice, to review the matter. Following the executive session, the Board will affirm or reject the final decision of the Superintendent. The decision of the Board will be final.

Confidentiality

The School District will make all reasonable efforts to protect the rights of the Complainant and the Respondent. The School District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Complaint Coordinator or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Complaint Coordinator in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* or under Ohio's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Complaint Coordinator or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

State law defines certain contact between a teacher and a student as "sexual battery." If the Complaint Coordinator or a designee has reason to believe that the Complainant has been the victim of criminal conduct as defined in Ohio's Criminal Code, such knowledge should be immediately reported to local law enforcement.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Complaint Coordinator or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Complaint Coordinator or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension

The Superintendent will file a report to the Ohio Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery, and will, in accordance with Policy [8141](#), suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

Revised 12/05

Revised 10/20/09

ATTACHMENT C

5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR 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 or while enroute 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 R.C. 3313.666 and the State Board of Education's Model Policy.

Harassment, intimidation, or bullying means:

- A. any intentional written, verbal, graphic, 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); or
- B. violence within a dating relationship.

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/cyberbullying, intimidating, menacing, coercion, name calling, taunting, making threats, and hazing.

Harassment, intimidation, or bullying also means 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 principal or assistant principal, 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 building principal 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 building principal 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 has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include 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. Making intentionally false reports about aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally 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.

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 building principal or appropriate administrator shall notify the 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 building principal or appropriate administrator shall notify in writing the 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.

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 the building principal for review, investigation, and action.

Students, parents/guardians, and school personnel may make informal 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 informal 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 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 building principal for review, investigation, and appropriate action.

Students who make informal complaints as provided above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. 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 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 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 with 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 to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying and violence within a dating relationship. The Superintendent or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and aggressive behavior and bullying in general, will be age and content appropriate.

Students in grades seven (7) through twelve (12) shall receive age-appropriate instruction in dating violence prevention education, including instruction in recognizing dating violence warning signs and characteristics of healthy relationships.

Parents, who submit a written request to the building principal to examine the dating violence prevention instruction materials used in the school, will be afforded an opportunity to review the materials within a reasonable period of time.

To the extent that State or Federal funds are appropriated for these purposes, the District shall provide training, workshops, and/or courses on this policy for school employees and volunteers who have direct contact with students. Time spent by school staff in these training programs shall apply toward mandated continuing education requirements.

The Superintendent shall develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

R.C. 3313.666, 3313.667
State Board of Education Model Policy (2007)

Revised 1/26/06
Revised 11/15/07
Revised 11/18/10

ATTACHMENT D

BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR ADMINISTRATIVE GUIDLINES

Definitions of Terms:

"Harassment, Intimidation, or Bullying" means any intentional written, verbal, graphic, or physical act that a student or group of students exhibited toward another particular student more than once and the behavior both:

- A. causes mental or physical harm to the other student; and
- B. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

"Harassment, Intimidating, or Bullying" also means electronically transmitted acts i.e., Internet, cell phone, personal digital assistance (PDA), or wireless hand-held device that a student has exhibited toward another particular student more than once and the behavior both:

- A. causes mental or physical harm to the other student/school personnel; and
- B. is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.

"Harassment, Intimidating, or Bullying" also includes violence within a dating relationship.

In evaluating whether conduct constitutes harassment, intimidation, or bullying, special attention should be paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation, either admitted or appropriately inferred.

A school-sponsored activity shall mean any activity conducted on or off school-property (including school buses and other school-related vehicles) that is sponsored, recognized, or authorized by the Board of Education.

Types of Conduct

Harassment, intimidation, or bullying can include many different behaviors including overt intent to ridicule, humiliate, or intimidate another student. Examples of conduct that could constitute prohibited behaviors include:

- A. physical violence and/or attacks;
- B. threats, taunts, and intimidation through words and/or gestures;
- C. extortion, damage, or stealing of money and/or possessions;
- D. exclusion from the peer group or spreading rumors;
- E. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/on-line sites (also know as "cyber-bullying"), such as the following:
 - 1. posting slurs on web sites where students congregate or on web logs (personal on-line journals or diaries);
 - 2. sending abusive or threatening instant messages;
 - 3. using camera phones to take embarrassing photographs of students and posting them on-line/or otherwise

distributing them;

4. using web sites to circulate gossip and rumors to other students; and,
5. excluding others from an on-line group by falsely reporting them for inappropriate language to Internet Service Providers.

F. violence within a dating relationship.

The following procedures shall be used for reporting, investigating, and resolving complaints of aggressive behavior and/or bullying.

Complaint Procedures

Building principals, assistant principals, and the Superintendent have the responsibility for conducting investigations concerning claims of aggressive behavior and/or bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any student, employee or third party who has knowledge of conduct in violation of Policy 5517.01 or feels s/he has been a victim of aggressive behavior and/or bullying in violation of Policy 5517.01 is encouraged to immediately report his/her concerns.

Teachers and other school staff, who witness acts of harassment, intimidation, or bullying, as defined above, shall promptly notify the building principal and/or his/her designee of the event observed, and shall promptly file a written incident report concerning the events witnessed. Teachers and other school staff who receive student or parent reports of suspected harassment, intimidation, and bullying shall promptly notify the building principal and/or his/her designee of such report(s). If the report is a formal, written complaint, such complaint shall be forwarded promptly (no later than the next school day) to the building principal or his/her designee. If the report is an informal complaint by a student that is received by a teacher or other professional employee, s/he shall prepare a written report of the informal complaint which shall be promptly forwarded (no later than the next school day) to the building principal or his/her designee.

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. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating, or intimidating another student even if such conduct does not meet the formal definition of "harassment, intimidation, or bullying."

All complaints will be promptly investigated in accordance with the following procedures:

- Step I Any complaints, allegations, or rumors of aggressive behavior and/or bullying shall be presented to the building principal or assistant principal or the Superintendent. Students may also report their concerns to teachers or counselors who will be responsible for notifying the appropriate administrator or Board of Education official. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board President. Information may be initially presented anonymously. All such information will be reduced to writing and should include the specific nature of the offense (e.g., the person(s) involved, number of times and places of the alleged conduct, the target of the suspected aggressive behavior and/or bullying, and the names of any potential witnesses). If the person filing the formal complaint is an adult, s/he must sign the charge affirming its veracity. If the person filing the formal complaint is a minor, s/he may

either sign the charge or affirm its veracity before two (2) administrators.

Step II The administrator/Board official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The administrator/Board official will arrange such meetings as may be necessary with all concerned parties within five (5) work days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The administrator/Board official conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent.

Step III If the complainant is not satisfied with the decision at Step II, s/he may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten (10) work days after receipt of the Step II decision. The Superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The Superintendent or designee shall provide a written decision to the complainant's appeal within ten (10) work days of the appeal being filed.

If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within ten (10) work days after receipt of the Step III decision. The Board shall, within twenty (20) work days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within ten (10) work days following completion of the hearing.

Documentation related to the incident, other than any discipline imposed or remedial action taken, will be maintained in a file separate from the student's education records or the employee's personnel file.

Publication of the Prohibition Against Harassment, Intimidation, and Bullying

The prohibition against harassment, intimidation, or bullying shall be publicized in student handbooks and in District publications that set forth comprehensive rules, procedures and standards of conduct for students. Information regarding the policy shall be incorporated into employee training materials. The following statement shall be included:

Harassment, intimidation, or bullying behavior by any student in the Northeastern Local School District is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from

school. "Harassment, intimidation, or bullying", in accordance with R.C. 3313.666 means any intentional written, verbal, graphic or physical act including electronically transmitted acts i.e., Internet, cell phone, personal digital assistant (PDA), or wireless hand-held device, either overt or covert, by a student or group of students toward other students, including violence within a dating relationship, with the intent to harass, intimidate, injure, threaten, ridicule, or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity, on school provided transportation, or at any official school bus stop that a reasonable person under the circumstances should know will have the effect of:

- A. Causing mental or physical harm to the other students including placing an individual in reasonable fear of physical harm and/or damaging of students' personal property; and,**
- B. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other students.**

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry related to a complaint of aggressive behavior and/or bullying is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as aggressive behavior and/or bullying.

Remedial Actions

Verified acts of harassment, intimidation, or bullying shall result in an intervention by the building principal or his/her designee that is intended to provide that the prohibition against harassment, intimidation, or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.

Harassment, intimidation, and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. While conduct that rises to the level of "harassment, intimidation, or bullying," as defined above will generally warrant disciplinary action against the perpetrator of such prohibited behaviors whether or to

what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building principal. The following sets forth possible interventions for building principals to enforce the Board's prohibition against "harassment, intimidation, or bullying."

Non-Disciplinary Interventions

When verified acts of harassment, intimidation or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation, or bullying, its prohibition, and their duty to avoid any conduct that could be considered harassing, intimidating, or bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

Disciplinary Interventions

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, shall not be the basis for disciplinary action.

In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.

Expulsion may be imposed in accordance with Board policy. This consequence shall be reserved for serious incidents of harassment, intimidation, or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

Intervention Strategies

In addition to the prompt investigation of complaints of harassment, intimidation, or bullying and direct intervention when such prohibited acts are verified, other District actions may ameliorate any potential problem with harassment, intimidation or bullying in school or at school-sponsored activities. While no specific action is required and school needs for such interventions may vary from time-to-time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:

- A. Respectful responses to harassment, intimidation or bullying concerns raised by students, parents, or school personnel.
- B. Planned professional development programs addressing targeted individuals' problem, including what is safe and acceptable Internet use.
- C. Data collection to document victim problems to determine the nature and scope of the problem.
- D. Use of peers to help ameliorate the plight of victims and include them in group activities.
- E. Avoidance of sex-role stereotyping (e.g., males need to be strong and tough).
- F. Awareness and involvement on the part of all school personnel and parents with regard to victim problems.
- G. An attitude that promotes communication, friendship, assertiveness skills and character education.
- H. Modeling by school personnel of positive, respectful, and supportive behavior toward students.

- I. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others (Ohio School Climate Guidelines).
- J. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere.
- K. Form harassment, intimidation, and bullying task forces, programs, and other initiatives involving volunteers, parents, law enforcement, and community members.

Intervention Strategies for Protecting Victims

- A. Supervise and discipline offending students fairly and consistently.
- B. Provide adult supervision during recess, lunch time, bathroom breaks, and in the hallways during times of transition.
- C. Maintain contact with parents and guardians of all involved parties.
- D. Assist the victims to obtain counseling if assessment indicates that it is needed.
- E. Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating, and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed.
- F. Check with the victim daily to verify that there has been no incidents of harassment, intimidation, bullying, or retaliation from the offender or other parties.

Training

Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation, or bullying, including dating violence prevention education in grades 7-12, and their rights and responsibilities under this and other District policies, procedures, and rules, at student orientation sessions and on other appropriate occasions. Parents will be provided with information about this policy and procedure, as well as information about other District and school rules and disciplinary policies. This policy and procedure shall be reproduced in student, staff, volunteer, and parent handbooks.

Information regarding the policy on harassment, intimidation, and bullying behaviors shall be incorporated into training materials used with employees and volunteers with direct contact with students. The in-service education provided to middle and high school employees shall include training in the prevention of dating violence. Time spent by school employees in the training, workshops, or courses shall apply toward any State or District-mandated continuing education requirements.

School personnel members are encouraged to address the issue of harassment, intimidation, and bullying in other interaction with students. School personnel may find opportunities to educate students about bullying and help eliminate bullying behavior 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, even if such conduct does not meet the formal definition of "harassment, intimidation, or bullying."

Police and Child Protective Services

Allegations of criminal misconduct and suspected child abuse will be reported to the appropriate law enforcement agency and/or to Child Protective Services (CPS), according to the prescribed timelines. The School District shall also investigate for the purpose of determining whether there has been a violation of District Policy, even if law enforcement or CPS officials are also investigating. All School District personnel shall cooperate with investigations by outside agencies.

In addition to, or instead of, filing a bullying, harassment, or intimidation complaint through this policy, a complainant may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under other provisions of the Revised Code or law that may apply.

State Board of Education Model Policy (2007)

Revised 9/17/07

Revised 11/18/10

ATTACHMENT E

NORTHEASTERN LOCAL SCHOOLS HARASSMENT OR INTIMIDATION (BULLYING) INCIDENT SCHOOL INVESTIGATION FORM

School Personnel Completing Form: _____ Position: _____

Today's date: _____ / _____ / _____
Month Day Year

Name of Staff Member Submitting Attached Referral _____

Name of Person Reporting The Incident: _____

Place an X in the appropriate box: Student Being Bullied Student Bystander Parent/guardian School Staff

1. Name of student victim: _____ Grade: _____

2. Name(s) of alleged offender(s) (If known): _____ Grade _____

INVESTIGATION

3. What actions were taken to investigate this incident? (choose all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Interviewed student victim | <input type="checkbox"/> Interviewed student victim's parent/guardian |
| <input type="checkbox"/> Interviewed alleged offender(s) | <input type="checkbox"/> Interviewed alleged offender's parent/guardian |
| <input type="checkbox"/> Interviewed witnesses | <input type="checkbox"/> Examined physical evidence |
| <input type="checkbox"/> Witness statements collected in writing | <input type="checkbox"/> Conducted student record review |
| <input type="checkbox"/> Interviewed school nurse | <input type="checkbox"/> Obtained copy of police report |
| <input type="checkbox"/> Reviewed any medical information available | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Interviewed teachers and/or school staff | |

4. Why did the harassment or intimidation (bullying) occur (alleged motives)? (choose all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Because of race | <input type="checkbox"/> Because of disability |
| <input type="checkbox"/> Because of national origin | <input type="checkbox"/> Because of physical appearance |
| <input type="checkbox"/> Because of marital status | <input type="checkbox"/> To impress others |
| <input type="checkbox"/> Because of sex | <input type="checkbox"/> Just to be mean |
| <input type="checkbox"/> Because of sexual orientation | <input type="checkbox"/> Because of another reason (specify) _____ |
| <input type="checkbox"/> Because of gender identity | |
| <input type="checkbox"/> Because of religion | <input type="checkbox"/> The reason is unknown |

5. What corrective actions/interventions were taken in this case (choose all that apply)?

- None were required, this was a false allegation
- None, the incident did not warrant any corrective action
- Student conference
- Student warning
- Letter of apology
- Mediation
- Counseling
- Parent letter
- Parent phone call
- Parent conference
- Detention/Saturday School
- In-school suspension
- Out-of-school suspension/expulsion
- Other (specify) _____

6. Additional pertinent information gained during the interview : _____

(Attach a separate sheet if necessary)

7. Investigator notes/conclusion (Is this a verified case of bullying, intimidation or harassment?) _____

(Attach a separate sheet if necessary)

- Copy of Report to Superintendent
- Victim Parent Letter
- Perpetrator Parent Letter

Signature: _____ Date: _____

ATTACHMENT F - SAMPLE HARASSMENT REPORTING FORM
NORTHEASTERN LOCAL SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, AND BULLYING COMPLAINT FORM

Office Use Only

The Northeastern Local School District prohibits discrimination, harassment, and bullying in all forms, including on the basis of a student's actual or perceived race, color, national origin, ethnicity, religion, sex, gender (including nonconformity with gender stereotypes, gender identity, and gender expression), sexual orientation, and disability, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. If you or someone you know has experienced discrimination, harassment, or bullying at school for *any* reason, you may make a complaint to have the incident(s) investigated by the District. Any student, parent/guardian, or school employee may complete this form and return it to any school employee. Alternatively, you may make a verbal or other written complaint to any school employee. Any school employee who receives a completed complaint form or any other written or verbal complaint will immediately report the complaint to the District's Harassment Coordinator and school official designated to handle harassment complaints. The designated school official will investigate and resolve the complaint under the District's policies and regulations, and consistent with all applicable federal and state laws. Contact information for the District's Harassment Coordinator and designated school officials can be found below and in the Student Handbook.

The District will respect the privacy of students to the extent permitted by District policy and state and federal law. Retaliation against any individual who makes a complaint or who participates or assists in an investigation of discrimination, harassment, or bullying is strictly prohibited.

*Please provide as much information as possible. All requested information is optional.
Please continue on the back of this page or on additional sheets if necessary.*

1. Preliminary Information

Date of Complaint: _____ Name of Person Making Complaint: _____
Phone Number(s): _____
Email address: _____

I am a (check one):
 Student (Grade Level/School: _____) Employee (Position/School: _____)
 Parent/Guardian Other: (List: _____)

Who was the target of the discrimination, harassment, or bullying described in this complaint?
 myself one or more students myself *and* one or more other students
 my child(ren)

2. Complaint Information

Please provide the name(s) of all persons (including yourself, if applicable) who were the target of the discrimination, harassment, or bullying:

Please provide the name(s) and/or descriptions of all individuals (students, school employees, school visitors, or others) who engaged or participated in the alleged discrimination, harassment, or bullying (if known):

Description of Complaint/Incident (e.g., date, time, and place of harassment; details about the incident(s); names of any witnesses) (continue on the back of this sheet or on additional sheets if necessary):

Please return this form to the main office or to any school employee. You may submit this form online at [link]. If you have any questions before submitting your complaint, please contact:

[Anti-Harassment Coordinator name] at [number/email/and office location] or the designated school official for your school:

[For each school, identify designated school official and provide contact information].