

A. Introduction

The Olentangy Local School District is committed to having a school environment free from all discrimination, including harassment, on the basis of race, color, or national origin. The District prohibits such harassment in the school environment, including all academic, extracurricular and school-sponsored activities. Students are encouraged to immediately report incidents of harassment. Staff members must promptly report to the staff member designated to respond to such complaints, all incidents of such harassment of which they become aware, by whatever means they become aware. The District will investigate formal and informal complaints of harassment. The District will distribute this statement in languages other than English as necessary.

B. Prohibited Conduct

Conduct constituting harassment on the basis of race, color or national origin may take different forms, and may involve verbal, non-verbal or physical contact. Examples of harassment include:

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

- a. Verbal:

The making of offensive written or oral innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning person's race, color, or national origin. This may include communications via telephone or cellular phones, texting or the Internet.

- b. Nonverbal:

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

- c. Physical:

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

C. Harassment may occur in various activities and sites, which may include but are not limited to the following:

1. Classrooms;
2. Hallways, locker rooms and other places within school buildings;
3. Transportation;
4. Assemblies and extra-curricular or athletic events, on or off campus;

5. Electronically, such as via e-mail, text-messaging or social networking websites, when such harassment occurs on-campus or off-campus with a nexus to other harassment occurring on-campus;
6. Other locations.

D. The District employee responsible for receiving and/or investigating reports of harassment on the basis of race, color or national origin, including the investigatory report, who is referred to in this Policy as the Anti-Harassment Complaint Coordinator (“Complaint Coordinator”) is:

Linda Martin
Assistant Superintendent
Linda_Martin@olentangy.k12.oh.us
(740) 657-4012

E. Reporting And Complaint Filing Procedures

Any student or student’s parent or legal custodian who believes that the student has been subjected to harassment on the basis of race, color or national origin may seek resolution of his/her complaint through either the informal or formal procedures as described below. Staff members making complaints shall use the formal procedures. 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 such harassment.

School personnel should report incidents of alleged student-on-student and staff-to-student harassment that they witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to harassment in other forms.

1. 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 student or student’s parent or legal custodian who believes the student has been harassed on the basis of race, color or national origin. 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 student or student’s parent or legal custodian feels that the student is being harassed on the basis of race, color or national origin, 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 student or student's parent or legal custodian who believes the student has been harassed on the basis of race, color or national origin may make an informal complaint, either orally or in writing, to the following designated staff member: (1) a building administrator in the building where the student attends; (2) the Superintendent if the individual is not attending a specific school building; and/or (3) the Complaint Coordinator. The building administrator/Superintendent will report the informal complaint 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 a student or student's parent or legal custodian who believes the student is being 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 student, parent or custodian claiming such harassment, informal resolution may involve, but not be limited to, one or more of the following:

- a. Advising the student or the student's parent or legal custodian about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- b. Distributing a copy of the Anti-Harassment Policy, this Policy, or other appropriate materials 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 students, parent or custodian 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. A student or student's parent or legal custodian who is dissatisfied with the informal complaint process may terminate it at any time and 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.

2. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the student or student's parent or legal custodian elects to file a formal complaint initially, the formal complaint process shall be implemented.

A staff member, student or student's parent or legal custodian who believes the student 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 make 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.

3. Content Of Formal Complaints

When a formal complaint is filed, the Complaint Coordinator will investigate the complaint and prepare an investigation report that contains the detailed information set forth below. To facilitate this investigation, formal complaints should, when possible, include this same information to the extent it is available to the Complaining Party:

- a. the name, race and/or national origin of the alleged victim and, if different, the name, race and/or national origin of the Complainant;
- b. the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident;
- c. the name(s), race and/or national origin of all persons alleged to have committed the alleged harassment, if known;
- d. the name(s), race and/or national origin of all known witnesses to the alleged incident;
- e. the Complaint Coordinator will collect any written statements of the Complainant, the victim (if different from the Complainant), the accused student(s), and any known witnesses;
- f. identification of the resolution which the Complainant seeks;
- g. the Complaint Coordinator will specify the outcome of the investigation; and

- h. the Complaint Coordinator will collect the response of school personnel and, if applicable, District-level officials, including the date any incident was reported to the police.

If the Complainant is unable or 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.

F. Investigation/ Other Procedures

Upon receiving a formal complaint, the Complaint Coordinator will conduct a prompt, thorough and impartial investigation.

The Complaint Coordinator will consider whether any action should be taken in the investigatory phase to stop the harassment, remedy the harassment that has occurred, and protect the Complainant from the recurrence of further harassment or retaliation including but not limited to, a change of job assignment, disciplinary action or a change of class schedule of the individual alleged to have engaged in the harassment, hereinafter referred to as the "Respondent." 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. The District's response will not penalize the Complainant.

Within two (2) business days of receiving a formal complaint, the Complaint Coordinator will inform the Respondent that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of these this Policy 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:

1. Interviews with the Complainant;
2. Interviews with the Respondent;
3. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and
4. 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 this Policy, the District will consider:

1. The nature of the behavior;
2. How often the conduct occurred;
3. Whether there were past incidents or past continuing patterns of behavior;
4. The relationship between the parties involved;
5. The race, color and/or national origin of the Complainant;
6. The identity of the Respondent, including whether the Respondent was in a position of power over the Complainant;
7. The number of alleged harasser(s);
8. The age of the alleged harasser(s);
9. Where the harassment occurred;
10. Whether there have been other incidents in the school involving the same or other individuals;
11. Whether the conduct adversely affected the Complainant's education performance or environment;
12. The context in which the alleged incidents occurred;
13. Whether or not speech or expression that is alleged to constitute harassment is protected by the First Amendment to the United States Constitution; and
14. Whether a particular action or incident constitutes a violation of Policy 1010 or this Policy requires a determination based on all the facts and surrounding circumstances.

The Complaint Coordinator or designee will, in the manner required by this Policy, document all reports of incidents of harassment. At the conclusion of the investigation, the Complaint Coordinator or 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 harassment on the basis of race, color or national origin as provided in this Policy as to whether the Complainant has been subject to such 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. The decision of the Superintendent shall be final.

G. Confidentiality

The District will make all reasonable efforts to protect the rights of the Complainant and the Respondent. The District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the District's 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 designee will instruct all individuals 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, 20 U.S.C. 1232g, and/or Ohio's student records law will be maintained in a manner consistent with the provisions of the federal and state law.

H. Other Anti-Harassment Procedures

1. District staff members who observe acts of harassment based on race, color or national origin should take reasonable steps to intervene to stop the harassment, unless circumstances would make such an intervention dangerous.
2. The District will offer counseling services to any person found to have been subjected to harassment on the basis of race, color, or national origin and, where appropriate, to the person(s) who committed the harassment.
3. The District prohibits any retaliation against persons who report alleged harassment or participate in related proceedings.
4. In support of this Policy, the District promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent or designee will develop a training program for District officials and administrators responsible for implementing and enforcing federal anti-discrimination and anti-harassment laws on the basis of race, color or national origin and related policies and procedures, and all appropriate school-level and security personnel.