

# OLDHAM COUNTY BOARD OF EDUCATION POLICY

## HARASSMENT, BULLYING AND INTIMIDATION OF STUDENTS CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

9052

*References: KRS 158.150; 158.148; 158.158*

*Relates to: Board Policy 9068*

### 9052.01

The purpose of this procedure is to secure, at the lowest possible administrative level, prompt and equitable solutions to complaints alleging harassment, bullying or intimidation except sexual harassment or discrimination, in educational programs and activities in the Oldham County School District.

### 9052.02 DEFINITIONS

- a. "Complaint" shall mean a formal written claim by a student or a parent of a student on behalf of a student, that the student has been harassed, bullied or intimidated by another student.
- b. "Student" shall mean any individual legally enrolled in the public schools of Oldham County.
- c. "Parent" means any natural parent or legal guardian or custodian of a student legally enrolled in the Public Schools of Oldham County.
- d. "Complainant" means any student or parent of a student, making a complaint in writing alleging harassment, bullying or intimidation.
- e. "Harassment, bullying or intimidation" means repeated unwelcome physical or verbal conduct, including menacing, taunting or threatening directed toward an individual, which may embarrass, offend or degrade, threaten or otherwise cause harm to the individual, or has the effect of creating a hostile environment because it unreasonably interferes with the student's school work, school performance, or participation in school-related activities. "Harassment, bullying and intimidation" may also include "hazing," which is any activity that recklessly or intentionally endangers the mental health or safety of a student for the purpose of initiation or membership into an organization recognized by the Board and is considered a forced activity even if this student appears to participate willingly. This policy extends to all student language or behavior, including but not limited to the use of electronic or on-line methods.

### 9052.03 HARASSMENT, BULLYING OR INTIMIDATION OF STUDENTS PROHIBITED:

Harassment or intimidation including bullying, as defined in Board Policy 9052.02 or by law, by students, school employees, or third parties against other students is strictly prohibited in the Oldham County Schools and at all times in connection with school sponsored activities and will not be tolerated. Each incident will be investigated in a timely manner and information concerning the incident, including the identity of the alleged victim, will be kept confidential to the extent permitted by law, but will be used in the course of the investigation and shared with those persons with a need to know. In the event that harassment, bullying or intimidation is determined to exist, following investigation and due process, the offending student(s) will be disciplined in accordance with the Code of Acceptable Behavior and Discipline, including without limitation, referral to local officials for legal action where appropriate. Additionally, the school involved shall consider the appropriateness of a variety of intervention strategies and then implement appropriate intervention strategies for the offending student(s) in an attempt to prevent future harassing conduct. The school shall also consider the appropriateness of and necessity for a variety of counseling options for the victim.

### 9052.04

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process.

### 9052.05 INFORMAL GRIEVANCE PROCEDURE

A student who experiences behavior that he or she believes is, or may be, hazing, bullying, harassment or intimidation may make an informal, verbal report to an administrator at his or her school. The administrator or principal will conduct a full investigation into the incident(s). In the course of the investigation, the administrator may interview witnesses, including the student and the alleged harasser. In addition, the administrator may request a written statement from the student, the alleged harasser, and any other witnesses. This written statement will not constitute a formal, written complaint under 9052.06.

Upon a finding of bullying, harassment or intimidation, the offending student will be disciplined in accordance with the Code of Acceptable Behavior and Discipline. Other information procedures for resolving the conflict and improving or minimizing the interaction between the students will also be considered. Students are encouraged, but not required, to take advantage of this Informal Grievance Procedure prior to filing a Formal Complaint.

# OLDHAM COUNTY BOARD OF EDUCATION POLICY

## HARASSMENT, BULLYING AND INTIMIDATION OF STUDENTS CODE OF ACCEPTABLE BEHAVIOR AND DISCIPLINE

9052

*References: KRS 158.150; 158.148; 158.158*

*Relates to: Board Policy 9068*

### 9052.06 FORMAL COMPLAINT PROCEDURE

Level 1 A student who feels aggrieved may make a formal written complaint to the building principal or other office administrator with whom the student feels comfortable sharing the information. Upon receiving a formal written complaint, the principal or administrator shall conduct a full investigation, interviewing all available witnesses. The principal shall make a decision and arrive at a resolution of the issues, after consultation with any other administrator involved in the investigation, within five (5) school days of receiving the written complaint. The principal shall provide the parent of the student complainant via hand-delivery or certified mail, the written decision. These timelines may be extended for extenuating circumstances, which shall be noted in the decision.

Level 2 If the student is not satisfied by the resolution and decision the principal reached, the student may file a written appeal, within five (5) school days, with the Superintendent specifying the reasons why the principal's decision should be overturned. The Superintendent may seek additional information from the principal, complainant/student or witnesses. The Superintendent shall issue his decision within three (3) school days, stating his decision on the appeal and the reasons for the decisions, and shall notify the principal and the complainant via hand-delivery or certified mail. This timeline may be extended for extenuating circumstances, which shall be noted in the decision.

### 9052.07 RETALIATION

Retaliation against any person for filing a complaint for harassment or intimidation is prohibited.