

# Ohio Safe Schools Project: Model Anti-bullying Policy

Policy available to download at: [www.law.utoledo.edu/safeschools](http://www.law.utoledo.edu/safeschools)

Ohio Safe Schools Project has written a model policy to guide school districts in effective compliance with the new statutory requirement: “The board of education of each city, local, exempted village, and joint vocational school district shall establish a policy to prohibit harassment, bullying, and intimidation.” *O.R.C. 3313.666(B)*.

Our model policy is just that: a model which can assist each school district to develop its own policy to fit the needs and conditions of its local community. The model policy addresses all statutory provisions, and includes citations for each provision.

Research data show that an effective anti-bullying policy is, by definition, comprehensive and inclusive. Ohio Safe Schools Project has applied this research by including a provision that guarantees protection of specifically enumerated traits and characteristics. We have strived to write a model policy that is both clear and effective, and have drawn on language from policies adopted in other states, (in particular, policies adopted by the Iowa Department of Education, the New Jersey Department of Education, and the Michigan State Board of Education), as well as on the sample policy written by the Ohio Department of Education.

The following summarizes the model policy’s sections and highlights issues for the districts’ consideration:

- Section 1 contains a statement of purpose. Although not required by statute, the statement of purpose is helpful to establish the goal of the policy. While the law only addresses student-to-student harassment, intimidation or bullying, model language suggests parallel expectations and protections for school personnel and volunteers.
- Section 2 contains the statutory definition of “harassment, intimidation, or bullying.” Model language suggests inclusive language that offers clear protection against harassment, intimidation, or bullying that is motivated by an actual or perceived characteristic, such as a target’s race, color, religion, gender or sexual orientation. Additionally, model language suggests prohibiting cyber-bullying, including cyber-bullying that occurs off school grounds when it poses mental or physical harm to another student and disrupts the school environment.

Legislative intent was to protect students’ physical and mental well-being and to protect the school environment from disruption—not to foster speech codes. Accordingly, this section contains the statutory requirement that students’ rights under the First Amendment of the Constitution of the United States not be infringed.

- Section 3 contains types of conduct that harassment, intimidation, or bullying include.

## Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy Ohio Safe Schools Project at the University of Toledo

- Section 4 contains the statutory requirement that the policy be disseminated in student handbooks and incorporated into employee training. Model language suggests annual publication to increase the chances of public awareness. School districts may wish to consider methods of dissemination (e.g. web, newsletter) that best fits their situations.
- Section 5 contains complaint and reporting procedures per the statutory requirement that policies include such procedures. Because the reporting process should be simple and non-threatening for victims, model language suggests that oral, as well as written reports, be considered official, and that anonymous complaints be reviewed and addressed.
- Section 6 contains statutory requirements that the policy establish procedures for investigating and responding to reported incidents. Model language suggests that, while there is no one prescribed response to an individual who has committed a verified act of bullying, building principals should consider a variety of factors to determine what intervention is appropriate. These factors include: the degree of harm caused by an incident; the surrounding circumstances; the nature and severity of the behavior; the relationship between the parties involved; and the existence of past/continuing incidents. Districts may wish to establish record keeping policies that clearly demonstrate efforts to reduce prohibited behaviors.
- Section 7 addresses the statutory requirement that policies be developed in consultation with students, parents, employees, and volunteers. Individual acts of harassment, intimidation, or bullying may be supported by overall school climate. Model language, therefore, suggests ways for a school community to intervene beyond individual perpetrators. School districts may wish to consider:
  - ◆ classroom interventions (e.g., class discussions; using children’s literature to increase empathy and help students cope with bullying; role playing);
  - ◆ school interventions (e.g., parent conferences; group presentations); and,
  - ◆ district-wide interventions (e.g., professional development programs; adoption of curricula; coordination with community-based organizations such as health services and law enforcement; online forums to foster communication).<sup>1</sup>
- Section 8 addresses the statutory requirement that the policy include a strategy for protecting victims from retaliation following a report. Because retaliation would discourage reporting, school districts may wish to consider establishing consequences for retaliatory acts.
- Section 9 contains statutory requirements that: 1) parents or guardians of students who are involved in incidents be notified; and, 2) that administrators semi-annually provide the president of the district board written summary of reported incidents.

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<sup>1</sup>See *ADL Curriculum Connections: Anti-Bias Lesson Plans and Resources for K-12 Educators*, available at:

[http://www.adl.org/education/curriculum\\_connections/winter\\_2005/Statistics\\_Studies\\_Bullying.asp#1](http://www.adl.org/education/curriculum_connections/winter_2005/Statistics_Studies_Bullying.asp#1)

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

- Section 10 provides that school districts report allegations of criminal misconduct and child abuse to appropriate law enforcement or CPS. Additionally, school districts must continue to investigate alleged violations of the policy regardless of the involvement of outside agencies.
- Section 11 addresses the need to prevent prohibited behaviors by disseminating information to students and parents and by training and encouraging staff to intervene in peer-to-peer harassment.

## **Model District Policy to Prohibit Harassment, Intimidation, or Bullying**

### **1 Statement of Purpose<sup>2</sup>**

- 1.1 The \_\_\_\_\_ School District prohibits acts of harassment, intimidation or bullying. The district has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.
- 1.2 Harassment, intimidation, or bullying of students or personnel by students, school personnel, or school volunteers is prohibited, whether in the classroom, on school property, on school buses or vehicles, at school-sponsored events, or in cyber-space.
- 1.3 Because students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

### **2 Definition of Terms<sup>3</sup>**

- 2.1 The \_\_\_\_\_ School District establishes that "harassment, intimidation, or bullying" means any intentional written, verbal, graphic, or physical act or gesture that a student has exhibited toward another particular student more than once and the behavior both:
  - 2.1.1 causes mental or physical harm to the other student;
  - 2.1.2 is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.
- 2.2 "Harassment, intimidation, or bullying" also means electronically committed acts (i.e., acts conducted using electronic or wireless communication devices) that a student has exhibited toward another particular student more than once and the behavior both:

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<sup>2</sup> Statutory Requirement: *The policy shall include a statement prohibiting harassment, intimidation, or bullying of any student on school property or at school-sponsored events. O.R.C. 3313.666(B)(1).*

<sup>3</sup> Statutory Requirement: *The policy shall include a definition of harassment, intimidation, or bullying that shall include the definition in division (A) of this section: As used in this section, "harassment, intimidation, or bullying" means any intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior both:*

- 1) *Causes mental or physical harm to the other student;*
- 2) *Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student. O.R.C. 3313.666(A)(1)-(2)*

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

- 2.2.1 causes mental or physical harm to the other student;
- 2.2.2 is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.
  
- 2.3 “Harassment, intimidation, or bullying” also means any intentional written, verbal, graphic, or physical act or gesture that a student has exhibited toward another particular student more than once, and based on any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic; and that both:
  - 2.3.1 causes mental or physical harm to the other student;
  - 2.3.2 is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student.
  
- 2.4 A “school-sponsored activity” means any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Ohio Board of Education.
  
- 2.5 “Harassment or bullying” shall not mean any action that would constitute protected free expression under the First Amendment to the Constitution of the United States.<sup>4</sup>

**3 Types of Conduct**

- 3.1 Harassment, intimidation or bullying can include, but is not limited to, the following behavior, overt acts, and/or circumstances:
  - 3.1.1 Verbal, nonverbal, physical or written harassment, bullying, hazing or other victimization that has the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
  - 3.1.2 Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
  - 3.1.3 Unreasonable interference with a student’s performance or creation of an intimidating, offensive or hostile learning environment;
  - 3.1.4 Physical violence and/or attacks;
  - 3.1.5 Threats, taunts and intimidation through words and/or gestures;
  - 3.1.6 Extortion, damage or stealing of money and/or possessions;
  - 3.1.7 Exclusion from the peer group or spreading rumors; and,
  - 3.1.8 Repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/online sites (also known as “cyber bullying”), such as the following:
    - 3.1.8.1 Posting slurs on websites where students congregate or on web-logs (personal online journals or diaries);
    - 3.1.8.2 Sending abusive or threatening instant messages;

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<sup>4</sup> Statutory Requirement: *The policy shall include a disciplinary procedure for any student guilty of harassment, intimidation, or bullying, which shall not infringe on any student’s rights under the First Amendment to the Constitution of the United States. O.R.C. 3313.666(B)(9).*

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

- 3.1.8.3 Using camera phones to take embarrassing photographs of students and posting them online; and,
- 3.1.8.4 Using websites to circulate gossip and rumors to other students;
- 3.1.8.5 Excluding others from an online group by falsely reporting them for inappropriate language to internet service providers.

**4 Dissemination of Policy<sup>5</sup>**

- 4.1.1 The district shall annually disseminate the policy to staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions, on school buses or school-related vehicles, or in cyber space. The policy shall appear in student handbooks and in all publications that set forth the school district's comprehensive rules, procedures, and standards of conduct for schools and students in the district.
- 4.1.2 To ensure staff are prepared to prevent and effectively intervene with incidents of harassment, intimidation, or bullying, the district shall incorporate information about the policy into employee training manuals and programs.

**5 Complaints<sup>6</sup>**

**5.1 Written and Oral Complaints**

- 5.1.1 The district requires the principal or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. Students, parents or guardians may file written complaints of suspected harassment, intimidation or bullying with any school staff member or administrator. A teacher or other school staff member who receives a written complaint shall promptly forward it (no later than the next school day) to the building principal or his/her designee for review and action.
- 5.1.2 Oral complaints shall also be considered official complaints. Students, parents or guardians, and school personnel may make oral complaints of conduct that they consider to be harassment, intimidation or bullying by verbally reporting to a teacher, school administrator, or other school personnel. A teacher or other school staff member who receives an oral complaint shall promptly document the complaint in writing, and shall promptly forward it (no later than the next school day) to the building principal for review and action.
- 5.1.3 Both written and oral complaints shall be reasonably specific as to the actions giving rise to the suspicion of harassment, intimidation and/or bullying, including

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<sup>5</sup>Statutory Requirement: *Each board's policy shall appear in any student handbooks, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in the district. Information regarding the policy shall be incorporated into employee training manuals. O.R.C. 3313.666(C).*

<sup>6</sup> Statutory Requirements: *The policy shall include: a procedure for reporting prohibited incidents O.R.C. 3313.666(B)(3).*

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s), and the names of any potential student or staff witness.

**5.2 Anonymous Complaints**

5.2.1 Students who make oral complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaints shall be reviewed and reasonable action will 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.

**6 School Personnel Responsibilities and Individual Intervention Strategies<sup>7</sup>**

**6.1 Teachers and Other School Staff**

6.1.1 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 by filing a written incident report concerning the events witnessed.

6.1.2 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.

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

**6.2 Administrator Responsibilities<sup>8</sup>**

**6.2.1 Investigation**

6.2.1.1 The district requires the principal and/or the principal’s designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal’s designee shall conduct a prompt and thorough investigation of all written and oral complaints of suspected harassment, intimidation, or bullying. A written

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<sup>7</sup> Statutory Requirement: *The policy shall include: a requirement that school personnel report prohibited incidents of which they are aware to the school principal or other administrator designated by the principal; a procedure for documenting any prohibited incident that is reported. O.R.C. 3313.666(B)(4), 3313.666(B)(6).*

<sup>8</sup> Statutory Requirement: *The policy shall include: a procedure for documenting any prohibited incident that is reported; and, a procedure for responding to and investigating any reported incident. O.R.C. 3313.666(6)-(7).*

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy**  
**Ohio Safe Schools Project at the University of Toledo**

report of the investigation shall be prepared when the investigation is complete. Such report shall include: findings of fact, a determination of whether acts of harassment, intimidation or bullying were verified, and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action. Where appropriate, written witness statements shall be attached to the report.

6.2.1.2 Notwithstanding the foregoing, 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 (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

6.2.2 Responding to Incidents: Disciplinary and Non-Disciplinary Interventions

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

6.2.2.2 \_\_\_\_\_ School District recognizes that acts of harassment, intimidation, or bullying can take many forms and can vary dramatically in seriousness and impact on the targeted individual and school community. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. Disciplinary and appropriate remedial actions for a student or staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to, and including, suspension or expulsion.

6.2.2.3 In determining appropriate interventions for each individual who commits an act of harassment, intimidation, or bullying, the building principal shall give the following factors full consideration:

- the degree of harm caused by the incident(s);
- the surrounding circumstances;
- the nature and severity of the behavior;
- the relationship between the parties involved; and,
- past incidences or continuing patterns of behavior.

6.2.2.3.1 Non-disciplinary Interventions

6.2.2.3.1.1 Counseling: 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.

6.2.2.3.1.2 Peer Mediation: If a complaint arises out of conflict between students or groups of students, peer mediation may be

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

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.

**6.2.2.3.2 Disciplinary Interventions**

- 6.2.2.3.2.1 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.
- 6.2.2.3.2.2 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.
- 6.2.2.3.2.3 Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education 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.

**7 Intervention Strategies for Classroom, School Building, or District**

7.1 \_\_\_\_\_ School District recognizes that overall school climate and school culture might overtly or inadvertently support prohibited behaviors. Accordingly, when the district responds to an individual who has committed a verified act of harassment, intimidation, or bullying, the district should consider whether taking action beyond the individual would prevent potential problems. Additionally, the \_\_\_\_\_ district should attempt to actively involve parents, school employees, school volunteers, students and community members in the remediation of prohibited behaviors.<sup>9</sup> The following are examples of potential intervention strategies that shall serve as a resource for administrators and school personnel:

- 7.1.1 Respectful responses to harassment, intimidation or bullying concerns raised by students, parents or school personnel;
- 7.1.2 Planned professional development programs addressing targeted individuals' problems; including what is safe and acceptable Internet use;
- 7.1.3 Data collection to document victim problems to determine the nature and scope of the problem;

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<sup>9</sup> Statutory Requirement: *The policy shall be developed in consultation with parents, school employees, school volunteers, students, and community members. O.R.C. 33313.666(B).*

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

- 7.1.4 Use of peers to help ameliorate the plight of victims and include them in group activities;
- 7.1.5 Avoidance of sex-role stereotyping (e.g., males need to be strong and tough);
- 7.1.6 Awareness and involvement on the part of all school personnel and parents with regard to victim problems;
- 7.1.7 An attitude that promotes communication, friendship, assertiveness skills and character education;
- 7.1.8 Modeling by school personnel of positive, respectful and supportive behavior toward students;
- 7.1.9 Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others (*Ohio School Climate Guidelines*);
- 7.1.10 Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
- 7.1.11 Form harassment, intimidation and bullying task forces, programs and other initiatives involving volunteers, parents, law enforcement and community members.

**8 Intervention Strategies to Protect Victims<sup>10</sup>**

- 8.1 When responding to verified acts of harassment, intimidation, or bullying, the district shall consider potential strategies to protect victims from additional harassment, intimidation, or bullying, and from retaliation following a report. Potential strategies include:
  - 8.1.1 Supervising and disciplining offending students fairly and consistently;
  - 8.1.2 Providing adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition;
  - 8.1.3 Maintaining contact with parents and guardians of all involved parties;
  - 8.1.4 Providing counseling for the victim if assessed that it is needed;
  - 8.1.5 Informing school personnel of the incident and instructing them to monitor the victim and the offending party for indications of harassing, intimidating and bullying behavior; instructing personnel to intervene when prohibited behaviors are witnessed;
  - 8.1.6 Checking with the victim daily to ensure that there have been no incidents of harassment/intimidation/bullying or retaliation from the offender(s).

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<sup>10</sup> Statutory Requirement: *The policy shall include a strategy for protecting a victim from additional harassment, intimidation, or bullying, and from retaliation following a report. O.R.C. 3313.666(B)(8).*

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

**9 Reporting Obligations<sup>11</sup>**

9.1 Reports to the Parent or Guardian of the Perpetrator

9.1.1 If after investigation, acts of harassment, intimidation and bullying by a specific student are verified, the building principal or his/her designee shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.

9.2 Reports to the victim and his/her parent of guardian

9.2.1 If after investigation, acts of bullying against a specific student are verified, the building principal or his/her designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such harassment, intimidation and bullying.

9.3 List of verified acts of harassment, intimidation or bullying<sup>12</sup>

9.3.1 \_\_\_\_\_ School District administrators shall semiannually provide the president of the district 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 bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

**10 Police and Child Protective Services**

10.1 Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services, per required timelines.

\_\_\_\_\_ School District must also investigate for the purpose of determining whether there has been a violation of \_\_\_\_\_ School District Policy or Procedure, even if law enforcement or CPS is also investigating. All \_\_\_\_\_ School District personnel must cooperate with investigations by outside agencies.

10.2 In addition to, or instead of, filing a bullying/harassment/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.

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<sup>11</sup> Statutory Requirement: *The policy shall include a requirement that parents or guardians of any student involved in a prohibited incident be notified and, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232q, as amended, have access to any written reports pertaining to the prohibited incident. O.R.C. 3313.666(B)(5).*

<sup>12</sup> Statutory Requirement: *The policy shall include a requirement that the district administration semiannually provide the president of the district board a written summary of all reported incidents and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” 88 Stat. 571, 20 U.S.C. 1232q, as amended. O.R.C. 3313.666(B)(10).*

**Model School District Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy  
Ohio Safe Schools Project at the University of Toledo**

Nothing prohibits a complainant from seeking redress under any other provision of the Revised Code or common law that may apply.

**11 Training<sup>13</sup>**

- 11.1 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, 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.
- 11.2 Information regarding the policy on harassment/intimidation/bullying behavior shall be incorporated into employee training materials and volunteers with direct contact with students. Time spent by school employees in the training, workshops or courses shall apply toward any state or district mandated continuing education requirements.
- 11.3 School personnel members are encouraged to address the issue of harassment/intimidation/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/school personnel, even if such conduct does not meet the formal definition of “harassment/intimidation/bullying.”

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<sup>13</sup> Statutory Requirement: *To the extent that state or federal funds are appropriated for these purposes, each school district shall: 1) provide training, workshops, or courses on the district’s harassment, intimidation, or bullying policy adopted pursuant to section 3313.666 of the Revised Code to school employees and volunteers who have direct contact with students. Time spent by school employees in the training, workshops, or courses shall apply towards any state- or district-mandated continuing education requirements; 2) develop a process for educating students about the policy. O.R.C. 3313.667(B)(1)-(2).*