



Student Eligibility Guidance for High School Principals and Athletic Administrators

Transfer Bylaw Guidance

Bylaw 4-7-2, Exception 7 – Student-on-Student Anti-Harassment, Anti-Intimidation, Anti-Bullying

This document will focus on Bylaw 4-7-2, Exception 7. For guidance on the full text of Bylaw 4-7-2, please visit (<https://ohsaaweb.blob.core.windows.net/files/Eligibility/4-7-2Guidance.pdf>). Exception 7 reads as follows:

If it is determined that one or more of the exceptions that follow represents an event which creates the need to transfer, i.e., creates a cause and effect relationship, then one or more of the following exceptions may apply:

EXCEPTION 7: *If a student is a victim of harassment, intimidation or bullying as those terms are defined at ORC in which harassment, intimidation or bullying has been documented to the school district in accordance with the ORC, and as a result of this documented harassment, intimidation or bullying the student is compelled to transfer, the Executive Director's Office, in its sole discretion, may waive all or part of the period of ineligibility for one or more sport/sports seasons provided:*

- 1) *The District's Anti-Harassment, Anti-Intimidation, Anti-Bullying policies and procedures adopted in accordance with ORC §3313.666 have been substantially followed and complied with; and*
- 2) *The District provides the Executive Director's Office with a copy of the duly adopted policies and procedures; and*
- 3) *The District secures the appropriate releases from the student/student's parents authorizing the District to provide a complete record of the events and circumstances on which the policies and procedures were initiated including:
 - a) *A specific, detailed report of the prohibited incident(s);*
 - b) *An outline of the procedures used to respond to and investigate the reported incident(s);*
 - c) *A copy of the findings that were a result of the complaint process and investigation;*
 - d) *A specific, detailed disciplinary procedure for any individual found guilty of harassment, intimidation or bullying;*
 - e) *All reports of notification to parents or guardians of any student involvement in the incident(s);*
 - f) *A report of the intervention strategies and remedial action the school has undertaken to assist the student and redress the complaint.**
- 4) *The District provides the Executive Director's Office with all of the above-referenced records.*
- 5) *In concurrence with ORC §3313.666 (A)(2), this exception cannot be used for any isolated incidents or alleged incidents of harassment, intimidation or bullying, nor can this exception be used in cases where there has been no contemporaneous reporting of the alleged bullying, harassment or intimidation.*

Until a student is declared eligible by the Executive Director's Office in accordance with this exception, they shall be ineligible for all OHSAA tournaments in those sports in which the student participated during the 12 months immediately preceding this transfer. In addition, the student shall be ineligible for all contests at all levels AFTER the first 50% of the maximum allowable varsity regular season contests have been competed in those sports in which the student participated during the 12 months immediately preceding this transfer.

Notes:

- The district from which the student transferred must secure the appropriate releases from the student/student's parents authorizing the District to provide the documents listed in item #8.



OHIO HIGH SCHOOL ATHLETIC ASSOCIATION

Doug Ute, Executive Director

– It is the responsibility of the receiving school to work with the parents and the sending school to obtain all of the required documentation listed in item #8. **If a parent/student approaches a school administrator and informs them that they have never filed a formal complaint with the former school then this will**

disqualify the student from using this exception. Further, this exception is only to be used for student-on-student bullying as referenced in ORC§3313.666 (A)(2). It has no applicability for a student who claims they were bullied by a former coach.

- In cases of alleged sexual harassment/sexual violence, please be advised that your district should consult the United States Department of Education Office for Civil Rights *2001 Guidance*, the September 2017 “Dear Colleague Letter,” <https://www.cmu.edu/title-ix/colleague-title-ix-201709.pdf> and the Q & A on Campus Sexual Misconduct <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>, as such cases could be considered a Title IX violation. Your Title IX compliance coordinator should likewise be engaged in such complaints.

To request a ruling under Exception 7, please complete the Exception 7 form found here:

(<https://ohsaaweb.blob.core.windows.net/files/Eligibility/forms/BullyingForm.pdf>). Please review item 8 for items that will need to be included with the submission of the form. Please be sure to review all documents to ensure they are complete and that all items described above are addressed.

Please feel free to contact Kristin Ronai (kronai@ohsaa.org) or Ronald Sayers (rsayers@ohsaa.org) if you have any questions!