



Book Neola Policy Templates for Processing

Section 5000 Students - Marked

Title Revised Policy - Volume 11, No. 1 - February 2019 - BULLYING

Code po5517.01

Status

5517.01 - **BULLYING**

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. Bullying, including cyberbullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. The Board will not tolerate any gestures, comments, threats, or actions that cause or threaten to cause bodily harm or personal degradation. This policy applies to all school activities in the District, including school activities on and off of school property at any school-sponsored, school-approved or school-related activity or function, such as a field trip or athletic event where students are under the school's control, or where an employee is engaged in school business in monitoring student activity. This policy shall also apply to students while on a school bus and at a school bus stop. Students' off-campus misconduct that might reasonably be expected to cause disruption in the school may constitute a violation of this policy and cause the student to be subject to discipline at school. Such off-campus misconduct would include but is in no manner limited to, blogs and social media postings and/or other electronic communications created for the purpose of inviting others to participate in disruptive, hateful, or otherwise prohibited misconduct towards a student, staff member, or other member of the school community.

This policy has been developed in consultation with parents/guardians, school employees, school volunteers, students, and community members as prescribed in WV Code 18-2C-3.

"Bullying" is aggressive behavior that is intentional, involves an imbalance of power or strength, and repeated over time. It occurs when an individual or a group of people with more power repeatedly and intentionally cause hurt or harm to another person or group of people who feel helpless to respond.

"Cyberbullying" as defined by WV Code 18-2C-2 and WV Code 61-3C-14c and is defined as any intentional gesture and intentional written, verbal, or physical acts or threats, or any intentional electronic communication, transmission or threat that a reasonable person under the circumstances should know will have the effect of physically harming a student; damaging a student's property; placing a student in reasonable fear of harm to his/her person; or placing a student in reasonable fear of damage to his/her property; or is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student or disrupts or interferes with the orderly operation of the school.

"An electronic act, communication, transmission or threat" includes, but is not limited, to one which is administered via telephone, wireless phone, computer, pager or any electronic or wireless device whatsoever, and includes but is not limited to, transmission of any image or voice, email or text message using any such device.

Acts of harassment, intimidation, or bullying that are reasonably perceived as being motivated by any actual or perceived differentiating characteristic, or by association with a person who has or is perceived to have one or more of these characteristics, shall be reported using the following list: race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity or expression; physical appearance; sexual orientation; mental/physical/developmental/sensory disability; or other characteristic.

Any student or student's parent/guardian who believes the student has been or is the victim of bullying should immediately report the situation to the building principal or assistant principal. The student may also report concerns to a teacher, counselor or staff member with whom the student feels comfortable 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 bullying directed toward a student. Failure of a faculty member or staff member to report an observed or reported incident of bullying shall result in disciplinary action.

Reports may be made to those identified above. Parents or guardians of any student alleged to have been the perpetrator or victim of bullying shall be notified of the same. Any staff member, employee, administrator, or superintendent who receives information which appears to constitute a violation of the provisions of West Virginia Code 61-3C-14c should report the incident to appropriate law enforcement officials.

All complaints about bullying that may violate this policy shall be promptly investigated and that investigation shall be completed as soon as practicable. The building principal, or appropriate administrator, or a third party shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether acts of 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, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including transgender status, change of sex, or gender identity or expression), creed or religion, genetic information, disability, marital status, citizenship status, veteran status, military service, national origin, ancestry, socioeconomic status, academic status; physical appearance; sexual orientation; mental/physical/developmental sensory disability, or any other characteristic protected by law (collectively, "Protected Classes") in its educational programs or activities, the principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Employee investigators may take immediate steps, at their discretion, to protect the complainant, pupils, teachers, administrators or other personnel pending completion of an investigation of alleged bullying. The investigation must at a minimum consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator. The investigators shall determine whether the alleged conduct constitutes a violation of this policy. In determining the appropriate response and/or punishment, the school or facility administrator should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.

If the investigation finds an instance of bullying has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for an employee, 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 bullying 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 bullying. Making intentionally false reports about bullying 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 bullying, 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.

Complaints

Students and/or their parents/guardians may file reports regarding suspected bullying. Such reports should attempt to provide the following information: person(s) involved, number of times and places of the alleged conduct, the target of suspected bullying, and the names of any potential student or staff witnesses. However, any report filed with any school staff member or administrator 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 bullying by a verbal report to a teacher, school administrator, or other school personnel. Such informal complaints should attempt to provide the following information: 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.

Right To Alternative Complaint Procedures

This policy does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating a civil action or seeking redress under the State criminal statutes and/or Federal law.

Confidentiality

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators as per WV Code 18-2C-3 will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. In such circumstances, those involved shall make only those disclosures absolutely necessary to the final resolution of the complaint and completion of the investigation.

Strategies to Protect Victims

When responding to verified acts of bullying, the administration shall consider appropriate strategies to protect victims from additional bullying, and from retaliation following a report. Available strategies include, but are not limited to:

- A. supervising and disciplining offending students fairly and consistently;
- B. providing adult supervision during recess, lunchtime, bathroom breaks and in the hallways during times of transition;
- C. maintaining contact with parents and guardians of all involved parties;
- D. providing counseling for the victim if assessed that it is needed;
- E. informing school personnel of the incident and instructing them to monitor the victim and the offending party for indications of bullying behavior; instructing personnel to intervene when prohibited behaviors are witnessed;
- F. checking with the victim daily to ensure that there have been no incidents of bullying or retaliation from the offender(s).

Reporting Requirement

The Board shall input incidents of bullying into the West Virginia Educational Information System (WVEIS) and compile an annual report regarding the means of bullying that have been reported to it and the reasons, therefore, if known.

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 Board personnel shall cooperate with investigations by such agencies.

Immunity

A school employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident if that person:

- A. in good faith promptly reports an incident of bullying;
- B. makes the report to the appropriate school official as designated by policy; and
- C. makes the report in compliance with the procedures as specified in policy.

Notification

Notice of this policy shall appear **annually** in any student handbook and in any Board publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school.

Policy Training and Education

