

BULLYING

Harassment or Intimidation

Code JICFAA Issued 11/06 **REVISED 6/22/2012**

Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from harassment, intimidation or bullying.

The Board of Trustees prohibits acts of harassment, intimidation or bullying of a student by students, staff and third parties that interfere with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment whether in a classroom, on school premises, at designated school bus stops, on a school bus or other school-related vehicle, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the student.

Bullying, harassment or intimidation is defined as a gesture, written, or electronic communication, verbal, physical or sexual act that is reasonably perceived as being motivated by a student or adult, religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, socioeconomic status, or any other distinguishing characteristic to have the effect of any of the following:

- harming a student or an adult physically or emotionally or damaging a student or adult's property, or placing a student or an adult in reasonable fear of personal harm or property damage
- insulting or demeaning a student, or a group of students or an adult causing substantial disruption in, or substantial interference with, the orderly operation of the school or;
- Has the effect of substantially interfering with a student's education.

Any students who feels he/she has been subjected to harassment, intimidation or bullying is encouraged to file a complaint and all school personnel must report any incident of bullying, intimidation or harassment they have witnessed or about which they have reliable information, in accordance with procedures established by the superintendent. All complaints will be investigated promptly, thoroughly and confidentially. All school employees are required to report alleged violations of this policy to the principal or his/her designee. The School must submit alleged incident reports to the Student Services Department and the department will process information to the district's human relations department. The school must notify parents/guardians of all students involved (both bully and victim) in an incident. The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation or bullying. The district also prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner. Any student or adult found violating the prohibitions set forth in this policy shall be subject to any and all disciplinary measures the district deems appropriate, up to and including expulsion in the case of a student or termination in the case of an employee. Individuals may also be referred to law enforcement officials. Prevention of, and education about harassment, intimidation and bullying behavior by students and adults shall be addressed by the district in its Safe School Committee.

The school district upholds that school-related bullying or harassment of any student or school employee is prohibited:

- A. During any education program or activity conducted by a school site educational institution;
- B. During any school-related or school sponsored program or activity;
- C. On a school bus or bus stop of a school site educational institution; or
- D. Through the use of data, electronic device or computer software that is accessed through a computer, computer system, or computer network of a school site educational institution.

Consequences

Upon concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances will be made. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion. A district employee found to have committed an act of bullying or harassment may be disciplined in accordance with district policies, procedures, and agreements. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Procedure for Reporting

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

The principal or site administrator of each school or site in the district shall establish, publicize, and prominently post (e.g., posters, student handbook, district website, school website) to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in-person or anonymously and how this report of bullying or harassment will be acted upon. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment. A district employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the district policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such acts(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Procedure for Investigation

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. All complaints about bullying and or harassment shall be promptly investigated by a school official.

Documented interviews of the victim, alleged perpetrator, and witnesses are conducted also **privately, separately, and are confidential**. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to:

- A. Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
- B. How often the conduct occurred;
- C. Whether there were past incidents or past continuing patterns of behavior;
- D. The relationship between the parties involved;
- E. The characteristics of parties involved (grade, age, race);
- F. Identity and number of individuals who participated in the bullying or harassing behavior;
- G. Where did the alleged incident(s) occurred;
- H. Whether the conduct adversely affected the student's education or educational environment;
- I. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:

- A. Recommended remedial steps necessary to stop the bullying and/or harassing behavior;
- B. A written final report to the principal
- C. Copy sent to District Office of incident (Office of Student Services)

The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedure that follow.

Scope

The individual investigating the incident shall provide a written report on results of the investigation with recommendations to determine if an act of bullying or harassment falls within the authority of the district.

- If the incident is within authority of district, move to the Procedures for Investigating the Bullying/Harassment incident.
- If the incident is outside authority of district, and is in fact determined to be a criminal act, refer to appropriate law enforcement.
- If incident is outside authority of district but is determined not to be a criminal act, inform parents/legal guardians of all students involved.

Parent Notification

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by certified mail, inform parents/legal guardian of the victim(s) involved in the bullying incident about Unsafe School Choice Option under the "No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that state "... a student becomes the victim of a violent criminal offense as determined by State Law while on the grounds of our public elementary or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational system, including a public charter school."

Upon completion of the investigation and it is determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

Counseling Referral

The district's referral procedure will establish the protocol for intervening when bullying or harassment is alleged. The procedure shall include:

- A. A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, school counselor, school psychologist) to determine the severity of concern and appropriate steps to address the concern (the involved students or legal guardian may be included).
- B. A referral process to provide professional assistance or services that includes:
 - A process by which school personnel or parent/legal guardian may refer a student to the school intervention team.
 - If a formal discipline report or formal complaint is made, the principal or designee must refer student(s) to the school intervention team for determination of counseling support and interventions. Parent or legal guardian must be involved at this point.
- C. A school-based component to address intervention and assistance as determined appropriate by the intervention team (Wacammaw Mental Health) that includes:
 - Counseling and support to address the needs of the victims of bullying or harassment.
 - Research-based counseling/interventions to address the behavior of the students who bully and harass others (empathy training, anger management)
 - Research-based counseling/interventions which include assistance and support provided to parents/legal guardians if deemed necessary.

Victim's Parent Reporting

The principal or designee shall report any incident to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. Parents/legal guardians will be notified by telephone and/or writing of action taken to protect the child. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Policy Publication

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the district's student safety and violence prevention policy.

The district schools shall provide notice to students and staff of this policy through appropriate references in the code of student conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the district aware of this policy.

Statement of Rights to Other Legal Recourse

"Victim may seek redress under other laws...may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying from seeking redress under any other available law, whether civil or criminal."