

## BULLYING , HARASSMENT , AND INTIMIDATION

### General Statement of Policy

This policy applies to all persons on any school property and all persons attending school, school-related activities, or any education-sponsored events, whether held in a building or within or upon other property used or operated by the Board, or in any other facility being used by the Board.

No person on any school property or attending any school-related activity or any education-sponsored event, whether in a building or upon other property used or operated by the Board, or in any other facility being used by the Board, shall engage in bullying, harassment, or intimidation. Persons found to have violated this prohibition shall be subject to the penalties in the section on Discipline, and any other penalties prescribed by law.

Any staff member who has or receives notice that a student has or likely has been the victim of bullying, harassment, or intimidation is required to immediately report the alleged acts to the designated investigator. Failure to do so shall result in disciplinary action.

### Definitions

#### Bullying, Harassment, and/or Intimidation:

Bullying, harassment, and/or intimidation is an intentional gesture, or any written, verbal or physical act, or threat that is sufficiently inappropriate, severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment or that a reasonable person under the circumstances should know will have the effect of:

- Harming a student;
- Placing a student in reasonable fear or harm to his/her person;
- Damaging a student's property; or
- Placing a student in reasonable fear or damage to his/her property.

#### Persons:

The term "persons" as used herein shall include all students, staff members, and members of the public.

#### Staff Members:

The term "staff members", as used herein shall encompass all employees of the agencies, including volunteers.

The purpose of this rule is to :

Prevent all forms of bullying, harassment, and intimidation toward students in order to protect the academic environment, and

Assure that Hardy County Schools responds to incidents of bullying, harassment, and intimidation in a manner that effectively deters similar future incidents and affirms respect for individuals.

Hardy County Schools finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying, harassment, or intimidation, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, non-threatening environment.

#### Complaint Procedures:

Any student who believes he or she has been the victim of any form of bullying, harassment, or intimidation, and any person with knowledge or reasonable belief of conduct which may constitute any form of bullying, harassment, or intimidation toward another student shall report the alleged acts immediately to the designated person as set forth in section below. Assistance shall be provided to individuals who need help in filing such complaints. Nothing in this policy shall prevent any person from also reporting bullying, harassment, or intimidation directly to the building Principal, the Director of Student Services, the county Superintendent, or to the West Virginia Human Rights Commission, a law enforcement agency, or any other appropriate institution or official.

Any student assigned to a school who believes he or she has been the victim of any form of bullying, harassment, or intimidation, or any staff member who has knowledge or reasonable belief of conduct which may constitute any form of bullying, harassment, or intimidation toward a student shall report the alleged acts immediately to the building Principal, who shall become the designated investigator. In the event that the Principal is the alleged harasser, the report may be made to any teacher, who shall forward the complaint directly to the Director of Student Services, who shall become the designated investigator.

All designated investigators shall be given training by Hardy County Schools on an annual basis regarding proper investigation and reporting procedures.

All reports received alleging any form of bullying, harassment, and/or intimidation shall be reported through the West Virginia Education Information System (WVEIS) to be aggregated and presented by the West Virginia Department of Education to the West Virginia Board of Education annually.

Under certain circumstances, some forms of bullying, harassment, or intimidation may rise to the level of child and/or sexual abuse as defined in Chapter 49 of the West Virginia Code. In such situations, all staff members shall comply with the provisions of law for reporting such abuse.

Investigation:

Upon receipt of a report or complaint alleging any form of bullying, harassment, and/or intimidation, the designated investigator shall immediately undertake or authorize a thorough investigation. Immediate steps shall be taken to protect the complainant pending completion of an investigation of alleged bullying, harassment, or intimidation.

After the investigator has determined that there are reasonable grounds to believe that an incident of bullying, harassment, and/or intimidation has occurred, the person accused of bullying, harassment, and/or intimidation, or his or her parent(s), custodian(s) or guardian(s), should be notified promptly of the resulting investigation. Likewise, the parent(s), custodian(s), or guardian(s) of any student involved in an incident prohibited pursuant to this policy shall be notified promptly.

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 lawful methods and review of circumstances deemed pertinent by the investigator.

The investigation shall be completed forthwith. The designated investigator shall cause the findings of the investigation to be set forth in a written report. The report shall include a determination of whether the allegations have been substantiated and whether the actions are violations of this policy.

The result of the investigation of each complaint filed under these procedures shall be reported in writing by the designated investigator to the subject of the complaint or his/her legal guardian as well as the complainant or his/her legal guardian.

In determining both the appropriate school or county response and/or the appropriate punishment for the perpetrator, 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 shall be considered. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

If the results of the investigation support disciplinary action, appropriate disciplinary action may include, but is not limited to, warning, written reprimand, suspension, exclusion, and/or termination, to be determined at the discretion of the designated investigator and/or the Superintendent as provided in this section. In matters where a student is the perpetrator, the Principal shall determine the appropriate response and/or punishment after consulting with the

Director of Student Services. In matters where the perpetrator is an employee of Hardy County Schools, the immediate supervisor shall forward his or her recommendations to the Superintendent, who shall have final authority in determining the appropriate response and/or punishment.

Any staff member found to be in violation of this policy shall have the investigation report placed in his/her personnel file along with any and all records concerning action taken as a result of such violation of policy. Those same records shall be immediately transmitted to the State Superintendent of Schools.

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 shall be vigorously protected and violations of such confidentiality may themselves be grounds for disciplinary action.

Any information related to a reported incident of bullying, harassment, or intimidation is exempt from disclosure under West Virginia Code 29B-1-1, et seq.

#### Reporting to West Virginia Department of Education

The Superintendent of Hardy County Schools, or his or her designee, shall immediately file a report with the West Virginia Department of Education of any allegations of bullying, harassment, and/or intimidation via WVEIS.

Upon conclusion of the investigation, the Superintendent of Hardy County Schools, or his or her designee, shall file a report, or update his or her initial report, with the West Virginia Department of Education indicating whether or not the allegations were substantiated and outlining every action taken in response to any report, via WVEIS.

The Superintendent of Hardy County Schools, or the Hardy County Board of Education shall also initiate such other action as is appropriate to prevent recurrences of bullying, harassment, or intimidation and adequately protect students in accordance with this policy.

#### Reprisal

Hardy County Schools will enforce existing discipline procedures with which to take appropriate action against any person who retaliates against another person for reporting alleged bullying, harassment, or intimidation or for testifying, assisting, or participating in an investigation, or for testifying, assisting, or participating in a proceeding or hearing relating to such bullying, harassment, or intimidation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Right to Alternative Complaint Procedures

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

This policy, or a summary hereof, shall be conspicuously posted throughout all Hardy County schools and facilities in areas accessible to all persons. Further, a copy of the policy shall appear in any student handbook and in any county board publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools.

A legible copy of this policy, or a summary thereof, must be disseminated to students and parents, custodians, or guardians or students along with an explanation of how to report violations of the policy by September 15 of each year.

Hardy County Schools shall develop and implement training for students and staff members concerning this policy, its implications, and means for effectively promoting the goals of this policy.

A copy of this policy shall be forwarded to the West Virginia Department of Education by June 30, 2002. All subsequent revisions shall likewise be remitted to the West Virginia Department of Education, Office of Student Services and Assessment, on or before the effective date of the revised policy.

SOURCE: Board of Education Minutes

DATE: June 24, 2002

REFERENCE: State Board Policy 2430

