

BULLYING, HARASSMENT AND INTIMIDATION POLICY

1.0 General

- 1.1** Statement of Policy. It is the policy of the Board to maintain a learning environment that is free from harassment, intimidation or bullying. The District prohibits any form of harassment, intimidation or bullying of any student on school property or at a school-sponsored event.
- 1.2** Application. This policy shall be effective on school property, school bus, school bus stops, school-sponsored events and at any time or place where the conduct in question significantly disrupts the operation of a school or prevents the target of such conduct from accessing or benefiting from educational programming.
- 1.3** Definitions.
- 1.3.1** “Harassment, intimidation or bullying” means any intentional gesture, or any intentional electronic, written, verbal or physical act or communication, transmission or threat, that a reasonable person under the circumstances should know would have the effect of:
- 1.3.1.1** physically harming a student;
 - 1.3.1.2** damaging a student’s property;
 - 1.3.1.3** placing a student in reasonable fear of harm to his or her person;
 - 1.3.1.4** placing a student in reasonable fear of damage to his or her property; or
 - 1.3.1.5** sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment.
- 1.3.2** “Persons” means students, staff and members of the public.
- 1.3.3** “Staff” means all employees and volunteers.
- 1.3.4** “Electronic act communication, transmission or threat” includes, but is not limited to, one that 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, audio, voice, email or text message using any such device.

2.0 Procedures for Reporting Incidents

- 2.1** Formal Complaint Procedures. Any student who believes he or she has been the victim of harassment, intimidation or bullying by a student, teacher, administrator or other school personnel of the School District, or by any other person who is participating in, observing or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the School District, shall immediately report the alleged acts to an appropriate School District official designated by this policy. Any teacher, administrator or other school official who has or receives notice that a

student has or may have been the victim of harassment, intimidation or bullying by a student, teacher, administrator or other school personnel of the School District, or by any other person who is participating in, observing or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the School District, is required to immediately report the alleged acts to an appropriate School District official designated by this policy.

- 2.2** Reporting Responsibilities. Any other person with knowledge or belief that a student has or may have been the victim of sexual harassment or harassment based on race, color, national origin or disability as set forth above, shall immediately report the alleged acts to an appropriate School District official designated by this policy. The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated. Nothing in this policy shall prevent any person from reporting harassment directly to the Assistant Superintendent or to the Superintendent.
- 2.3** Responsibility for Receipt of Reports. In each school building, the building principal is the person responsible for receiving oral or written reports of harassment, intimidation or bullying at the building level. Any adult School District personnel who receive a report of harassment, intimidation or bullying shall inform the building principal immediately. Upon receipt of a report, the principal must notify the Assistant Superintendent immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Assistant Superintendent. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Assistant Superintendent. Failure to forward any harassment, intimidation or bullying report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the Assistant Superintendent by the reporting party or the complainant.

3.0 Administration

The School Board has charged the Assistant Superintendent with responsibility to identify, prevent and remedy harassment, intimidation or bullying. The Assistant Superintendent shall:

- 3.1** receive reports or complaints of harassment, intimidation or bullying;
- 3.2** notify the parents or guardians of students who are involved in an incident involving harassment, intimidation or bullying;
- 3.3** develop and cause the implementation of an interim strategy for protecting a victim from additional harassment, intimidation or bullying or retaliation during the course of the investigation;
- 3.4** oversee the investigative process;
- 3.5** be responsible for assessing the training needs of the District's staff and students in connection with the dissemination, comprehension and compliance with this policy;

- 3.6 arrange for necessary training required for compliance with this policy;
- 3.7 insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify harassment, intimidation or bullying, recommend appropriate discipline and remedies when harassment, intimidation or bullying is found, and take other appropriate action to rectify the damaging effects of any prohibited harassment, intimidation or bullying; and
- 3.8 in conjunction with other Senior Staff, facilitate the development and implementation of an education program for each programmatic level, K-5, 6-8 and 9-12, as well as a prevention-and-response program for all staff and to be delivered annually. The programs must include, but are not limited to, life skills training, character education, anger management, conflict resolution and peer mediation skills. The Special Education Coordinator shall report to the West Virginia Department of Education, Office of Student Services and Assessment plans for student and staff training/education programs and their delivery, as scheduled and delivered.

If any complaint involves the Assistant Superintendent, the complaint shall be filed directly with the Superintendent. The School District shall conspicuously post this policy against harassment, intimidation or bullying in each school that the District maintains, in a place accessible to students, faculty, administrators, employees, parents and members of the public. This notice shall include the name, mailing address and telephone number of the Assistant Superintendent.

4.0 Publication/Students

A copy of this policy shall appear in the student handbook and shall be made available upon request of parents, students and other interested parties. A copy or summary of this Policy, that includes reporting procedures, shall be provided to parents, custodians or guardians of students prior to October 1 of each school year. An offense of “harassment, intimidation or bullying” shall be identified in the District’s Student Code of Conduct and shall include, as a maximum penalty for violation, expulsion for a period of up to one school year.

5.0 Retaliation/Reprisal

It shall also be a violation of this Policy to engage in retaliation or reprisal against any person who reports bullying, harassment or intimidation or who testifies, assists or participates in an investigation or proceeding involving bullying, harassment or intimidation. An offense “Reprisal - harassment, intimidation or bullying” shall be identified in the District’s Student Code of Conduct and shall include, as a maximum penalty for violation, expulsion for a period of up to one school year.

6.0 Training

The School Board will develop a method of discussing this policy with students and employees. Training on the requirements of harassment, intimidation or bullying and the appropriate responses to issues of harassment, intimidation or bullying will be provided to all school personnel on an annual basis, and at such other times as the School Board in consultation with the Superintendent determines is necessary or appropriate.

7.0 Privacy

The School District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action and to conform to any discovery or disclosure obligations. All records generated under the terms of this policy shall be exempt from disclosure under the West Virginia Freedom of Information Act.

Investigation - The Assistant Superintendent is designated to investigate and shall, upon receipt of a report or complaint, immediately undertake or authorize an investigation. The Superintendent may designate other school system officials or a third party to conduct investigations of complaints. 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.

When any student is to be interviewed by a school administrator in connection with an investigation pursuant to a Level 3 or 4 inappropriate behavior, a reasonable effort shall be made to contact the student's parent, custodian or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety.

The school administrator shall:

- 7.1 Determine whether the alleged conduct constitutes a violation of this policy.
- 7.2 Immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.
- 7.3 Assure that the investigation will be completed as soon as practicable but no later than 10 school days following the reported violation.

8.0 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 will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

9.0 Investigation Procedure Considerations for Racial, Sexual, and Religious/Ethnic Harassment and Violence:

The investigative procedures outlined above shall be followed to investigate complaints of religious/ethnic, racial or sexual harassment or violence by a student, teacher, administrator or other school personnel of the county board of education.

10.0 Report of Violations. Upon completion of the investigation:

- 10.1** A report shall be provided to the principal, which includes a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
- 10.2** The report shall be recorded and filed at the county/school level as shall be determined in the county policy.
- 10.3** The conclusion of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal or his/her designee.

11.0 Remedial Action

If the results of the School District’s evaluation of a complaint of harassment, intimidation or bullying results in a conclusion that an individual has engaged in harassment, intimidation or bullying in violation of this policy, or that school personnel have failed to report harassment, intimidation or bullying as required herein, appropriate remedial action will be pursued, including student and school personnel disciplinary action, when appropriate.

12.0 Reporting/WVDE

All reports received alleging any form of bullying, harassment or intimidation shall be reported through the West Virginia Education Information System (WVEIS), to be aggregated and presented to the West Virginia Department of Education annually. Upon conclusion of an investigation, the Superintendent, or designee, shall submit a report (through WVEIS) to the West Virginia Department of Education that indicates whether the allegations were substantiated and include a description of all actions taken. Copies of all complaints of harassment, and the investigations conducted pursuant to them, shall be maintained for a period of twenty (20) years at the main administrative offices of the School District.

13.0 Policy Approval

A copy of this Policy was submitted to the West Virginia Department of Education, Offices of Student Services and Assessments, on or before June 30, 2012. Any subsequent revisions shall be submitted to the West Virginia Department of Education, Offices of Student Services and Assessments, on or before the effective date of such revisions.

14.0 Review Schedule

This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

AUTHORITY: West Virginia Code §18-2C-1, et seq.; West Virginia Board of Education Policy 4373

ADOPTED: 05/27/14

REVISED: _____

