

Title: **Safe and Respectful Learning Environment**

Policy Number: **9110**

Section: Civil Rights

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Purpose:

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, harassment, and/or intimidation; like other violent or disruptive behavior, interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying, harassment, and/or intimidation between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, it is the school district's intent to prevent bullying, harassment, and/or intimidation and to take action to investigate, respond, remediate, and discipline those acts of bullying, harassment, and/or intimidation which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, harassment, and/or intimidation.

General Statement of Policy:

- A. An act of bullying, harassment and/or intimidation, by a student, group of students, staff member or district employee, is expressly prohibited on school district property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying, harassment, and/or intimidation; but also to students who, by their indirect behavior, condone or support another student's act of bullying, harassment and/or intimidation. This policy also applies to any student whose conduct at any time or in any place constitutes bullying, harassment, and/or intimidation that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying, harassment and/or intimidation. This is regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.
- B. Bullying, harassment, and/or intimidation as set forth above may include, but is not limited to the following behavior/overt acts and/or circumstances:
 - Verbal, nonverbal, physical or written bullying, harassment and/or intimidation, hazing, or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
 - Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
 - Implied or explicit threats concerning one's intellect, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
 - Demeaning jokes, stories, or activities directed at the student that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; and/or
 - Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment.
- C. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying, harassment and/or intimidation.
- D. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

- E. Retaliation against a victim, good faith reporter, or a witness of bullying, harassment and/or intimidation is prohibited.
- F. False accusations or reports of bullying, harassment and/or intimidation against another student are prohibited.
- G. A person who engages in an act of bullying, harassment and/or intimidation, reprisal, or false reporting of bullying, harassment and/or intimidation or permits, condones, or tolerates bullying, harassment and/or intimidation shall be subject to discipline for that act in accordance with school district's policies and procedures. The school district may take into account the following factors:
 - 1. The developmental and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying, harassment and/or intimidation may range from positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate bullying, harassment and/or intimidation or engage in an act of reprisal or intentional false reporting of bullying, harassment and/or intimidation may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying, harassment and/or intimidation may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

- H. The school district will act to investigate all complaints of bullying, harassment and/or intimidation and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

Reporting Procedure:

- A. Any person who believes he or she has been the victim of bullying, harassment and/or intimidation or any person with knowledge or belief of conduct that may constitute bullying, harassment and/or intimidation shall report the alleged acts immediately to an appropriate school district official designated by this policy. A student may report bullying, harassment and/or intimidation anonymously. However, the school district's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. 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.
- C. The building principal or the principal's designee or the building supervisor is the person responsible for receiving reports of bullying, harassment and/or intimidation at the building level. Any person may report bullying, harassment and/or intimidation directly to a school district human rights officer or the superintendent.
- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying, harassment and/or intimidation. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying, harassment and/or intimidation shall inform the building principal immediately.
- E. Reports of bullying, harassment and/or intimidation are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- F. Submission of a good faith complaint or report of bullying, harassment and/or intimidation will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

School District Action

- A. Upon receipt of a complaint or report of bullying, harassment and/or intimidation, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district. The investigation shall include contact with the students directly and indirectly involved, and may include contact with the parent or guardian.
- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, harassment and/or intimidation, consistent with applicable law.
- C. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Internet or cyber-bullying disciplinary actions may include confiscation of devices, such as cell phones, and erasure of written items or pictures. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, school district policies and regulations.
- D. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students involved in a bullying, harassment and/or intimidation incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

Response to a Report of Bullying, Harassment and/or Intimidation

White Pine County School District will ensure that local policy and procedures include the following procedural components: 1) Responsibility of Principal; 2) Responsibility of Title IX Officer; 3) Investigation of Report of Bullying, Harassment and/or Intimidation (Who, How, When, Result); 4) School District Action; 5) Appeal Process; 6) Interference or Prohibition of Retaliation; 7) Record Keeping and Notification; 8) Professional Development.

1. Principal's Responsibility

The principal or principal's designee is the person responsible for receiving oral or written reports of bullying, harassment and/or intimidation. Upon receipt of a report, the principal may notify the Title IX officer immediately, without screening and prior to investigating the report. In the event the report involves a student, teacher, or other person who has been involved in multiple incidents of bullying, harassment and/or intimidation; the principal shall notify the Title IX officer immediately, without screening and prior to 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 school district Title IX officer. If the report was provided verbally, the principal shall reduce it to written form within 24 hours and forward to the district Title IX officer. Failure to forward any bullying, harassment and/or intimidation report or complaints as provided herein will result in disciplinary action against the principal.

2. Title IX Officer

Each school district has one individual within the district designated as the school district Title IX Officer to receive reports of bullying, harassment and/or intimidation. If the report involves the school district Title IX Officer, the reporter shall refer the complaint directly to the superintendent. The school district shall prominently post the name, mailing address, and telephone numbers of its Title IX Officer.

3. Investigation of Report of Bullying, Harassment and/or Intimidation

Who: The principal or school district Title IX Officer shall conduct an investigation upon receipt of a report or complaint alleging student bullying, harassment and/or intimidation.

How: The investigator shall interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation. In determining whether the alleged conduct constitutes a violation of this policy, the investigator shall consider,

among other things: the nature of the behavior; how often the conduct occurred; whether there were past incidents or past continuing patterns of behavior; and the relationship of the parties involved.

When: The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.

Result: Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the principal or school district Title IX officer and the superintendent or, if the complaint involves the superintendent or board of trustee member, directly to the Nevada Department of Education Title IX officer, for appropriate action in accordance with school district or state disciplinary policy.

4. School District Action

The school district shall take disciplinary or remedial action as appropriate in order to ensure that further bullying, harassment and/or intimidation does not occur. Such action may include, but is not limited to: 1) expulsion of a student, and 2) counseling, awareness training, transfers, suspension and/or termination of an employee or board of trustee member.

5. Appeal Process

A person deemed to be in violation of the policy on student bullying, harassment and/or intimidation, and subjected to action under it may appeal the determination and/or the action taken as follows:

Student: If the person filing the appeal is a student, the appeal shall proceed in accordance with School District policy governing discipline of students and with due process requirements.

Employee: If the person filing the appeal is an employee, the appeal shall proceed in accordance with School District policy governing employee discipline, including, if applicable, grievance procedures under any applicable collective bargaining agreement, and with legal due process requirements.

6. Interference

A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135. As used in this context a "school official" means: (a) A member of the board of trustees of a school district; or (b) A licensed or unlicensed employee of the school district.

7. Record Keeping and Notification

Record Keeping: The superintendent shall assure that a record of any complaint and investigation of bullying, harassment and/or intimidation as well as the disposition of the complaint and any disciplinary or remedial action is maintained by the School District in a confidential file.

Notification: The superintendent shall assure that the complainant is notified whether allegations of bullying, harassment and/or intimidation were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

8. Professional Development

The superintendent shall develop age-appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent bullying, harassment and/or intimidation.

In addition to informing staff and students about the policy, the superintendent shall develop a plan, including requirements and procedures, to assure that the following professional development be provided to all administrators, principals, teachers, and other personnel employed by the board of trustees of the White Pine County School District:

- a. Awareness concerning the various types of bullying harassment and/or intimidation; how the bullying, harassment and/or intimidation manifests itself; and the devastating emotional and educational consequences of bullying, harassment and/or intimidation.
- b. Training in the appropriate methods to facilitate positive human relations among pupils without the use of bullying, harassment and/or intimidation so that pupils may realize their full academic and personal potential.
- c. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils.

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- d. Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.