

**ANTI-BULLYING POLICY
(Board Revisions June 6, 2011)**

BULLYING

The purpose of this policy is to assist the Jamestown Public School District, herein referred to as the District, in its goal of preventing and responding to acts of bullying. The District cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, such conduct requires the District to take action to investigate, respond, remediate, and discipline those acts of bullying of which it has actual notice.

DEFINITIONS

A. Bullying:

1. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
 - a. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - b. Places the student in actual and reasonable fear of harm;
 - c. Places the student in actual and reasonable fear of damage to property of the student; or
 - d. Substantially disrupts the orderly operation of the public school; or
2. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
 - a. Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - b. Places the student in actual and reasonable fear of harm;
 - c. Places the student in actual and reasonable fear of damage to property of the student; or
 - d. Substantially disrupts the orderly operation of the public school; or

B. "Conduct" includes the use of technology or other electronic media.

Bullying may involve, but is not limited to:

1. Unwanted teasing
2. Threatening
3. Intimidating
4. Stalking
5. Cyberbullying
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. Destruction of school or personal property
11. Social exclusion, including incitement and/or coercion
12. Rumor or spreading of falsehoods

- C. Cyberbullying:
The use of technology as a mechanism for bullying;
- D. Bullying, Cyberbullying, and/or Harassment also encompasses:
1. Retaliation: To get revenge for a report of a violation of policy;
 2. Bad faith reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
- E. Accused:
Is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.
- F. Complainant:
Is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally or in writing, in accordance with the reporting procedures in this policy.
- G. Victim:
Is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school sponsored events, on school buses and at training facilities or training programs sponsored by the District, who is reported to have been the target of an act of bullying during any educational program or activity conducted by the District.

GENERAL STATEMENT OF POLICY

- A. Bullying, by either an individual student or a group of students, 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 but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that substantially disrupts or creates a true threat.
- B. No teacher, administrator, advisor, coach, volunteer, contractor, or other employee of the school district shall permit, condone, participate in, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who violates the above prohibitions shall be subject to discipline for that act in accordance with school district's policies and procedures. When disciplining, 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 may range from positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.
- G. The District will act to investigate all actual notices of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, parent, or other employee of the school district who is found to have violated this policy.

TRAINING

Training to identify, prevent, and respond to bullying will be conducted for students, parents, teachers, district staff, school administrators, counseling staff, bus drivers, school resource officers, contractors and school volunteers.

At the beginning of each school year, the school principal/designee and or district administrator shall provide awareness of this policy, and the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil through appropriate references in the Student and Employee Handbooks, the school website, and/or through other reasonable means.

REPORTING AN ACT OF BULLYING

- A. Any other members of the school community who have credible information that an act of bullying has taken place at school/on school property/at a school sponsored event, etc., may file a report of bullying, whether a victim or witness.
- B. The principal of each school in the District shall prominently publicize to students, staff, volunteers, and parents, this reporting procedure and what actions may be taken.
- C. Administrators/principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
- D. Reporting Procedure: Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to the appropriate school district officials (teachers, administrators, coaches/advisors and other employees). A student may report bullying anonymously, but action may not be taken against an alleged perpetrator based solely on an anonymous report. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building principal. The 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.

DISCIPLINARY SANCTIONS (consequences) and due processes for a person who commits an act of bullying under this policy.

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, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the District.

- A. Consequences and appropriate interventions for students who violate this policy may range from positive behavioral interventions up to, but not limited to suspension or expulsion, in accordance with students' discipline grid.
 - 1. All steps necessary to protect the victim from further violations of this policy will be taken, and may include, but are not limited to, assignment of the perpetrator to a different class or school from that where the offense occurred. In such cases of reassignment, transportation will be provided by the District.
- B. Consequences and appropriate interventions for a school/district employee found to have violated this policy will be instituted in accordance with District policies, procedures, and agreements.
- C. Consequences and appropriate intervention for a visitor, volunteer, or parent/guardian found to have violated this policy shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- D. Consequences and appropriate intervention will be imposed upon an individual who makes a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.
- E. See Confidentiality section at the end of this policy

BULLYING COMPLAINTS AND RESOLUTION

- A. The investigation of a reported violation of this policy is deemed to be a school-related activity and begins with a report of such an act.
- B. The principal/designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well. Although this policy encourages students to use the formal written complaint process, school officials should investigate all complaints and reports of violations of this policy whether or not the complaint is in writing.
- C. If the complaint is about the principal or a district's staff member's direct supervisor, then the superintendent/designee or appropriate district administrator shall be asked to address the complaint.
- D. The trained principal/designee will make the determination if a reported act of bullying falls within the scope of the District to respond.
 - 1. If it is within the scope of the District, move to "Procedures for Investigating Bullying" as outlined below;
 - 2. If it is outside the scope of the District, and determined an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to policy;

3. If it is outside the scope of the District, and determined not a criminal act, inform parents/guardians of all students involved, provide appropriate interventions and document according to policy.
- E. Informal Resolution: where the administrator, along with the alleged victim agree to informally resolve the complaint. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted 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 victim's agreement to informal resolution must be in writing.
 1. If a mutual resolution has not been achieved, a formal written appeal must be filed within five (5) workdays after the informal meeting and submitted to the principal or appropriate area/district supervisor.
 - F. Formal Resolution: the alleged victim/complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee or district administrator by utilizing the District's Bullying Complaint Report Form. Said form is available on the [school district's website](#); or at each school's front office.
 1. According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.
 - G. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the district specified data system.

PROCEDURES FOR INVESTIGATING BULLYING

SCHOOL DISTRICT ACTIONS

Upon receipt of a complaint or report of bullying, the District shall undertake or authorize an investigation by school district officials or a third party designated by the school district. Upon completion of the investigation, the school district will take appropriate action, in accordance with disciplinary sanctions section of this policy.

- A. The authorized personnel for investigating violations of this policy must include the principal/designee, in the case of student-to-student bullying. For incidents at the area/district level, or for school-based adult-on-adult bullying, the appropriate administrator will be responsible for the investigation as outlined in this policy, and will run concurrently and in addition to all agreed upon procedures for staff discipline.
- B. The principal/designee or district administrator shall begin a thorough investigation with the alleged victim and accused as soon as possible after receiving a notification of complaint.
- C. During the investigation, the principal/designee or district administrator may take any action necessary within the District's jurisdiction to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable regulations and statutes.
 1. Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted 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.

2. At no time during the investigation will the name of the complainant be revealed by the investigator without permission of the complainant.
 3. In general, student complainants and/or alleged victims will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.
 4. During an investigation in which an employee is the accused, the principal/designee or the district administrator may recommend to the superintendent/designee, any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable statutes, school board-policies, and collective bargaining agreements.
- D. As soon as practical or within a reasonable timeframe of receiving notification as to the filing of the complaint, there shall be a written decision by the principal/designee or district administrator regarding the completion and determination of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the disciplinary sanction section of this policy.
- E. The principal/designee or district administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems.
- F. If the accused is an employee, discipline may be taken, consistent with the disciplinary sanction section of this policy. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the superintendent.

REFERRAL FOR INTERVENTION

- A. Self-referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/designee.
- B. Any investigations and interventions shall be recorded on the District specified data system.
- C. Administrators may request that parents spend a day with their student in school as a means of keeping the accused student in school.

INCIDENT REPORTING REQUIREMENTS

- A. The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying that does not meet the criteria of a prohibited act under this policy, with recommendations regarding said incident.

PROCESS FOR REFERRAL FOR EXTERNAL INVESTIGATION

- A. While the District does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the School Resource Officer

and other personnel. The principal/designee shall use District Reporting Systems to log all reports and interventions.

APPEALS PROCESS

- A. The appeal procedure for bullying by a student will follow the steps outlined in the Student Handbook.
- B. Appeal procedure for an accused employee:
 - 1. If the accused employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in accordance with board policy or pursuant to the relevant collective bargaining agreement.
- C. All appeals should be made in writing to the building principal. If the principal's decision is the subject of the appeal, it should be made to the superintendent/designee.

CONFIDENTIALITY

- A. All complaints will be treated as confidential unless permission is granted.
- B. Limited disclosure may be necessary to complete a thorough investigation as described above.
- C. The complainant's identity shall be protected.
- D. The identity of the victim of the reported act shall be protected.

Cross Ref: AAC Nondiscrimination & Anti-Harassment Policy



**JAMESTOWN PUBLIC SCHOOL DISTRICT #1
BULLYING COMPLAINT REPORT**

Complainant: _____ Student/grade or Employee (circle)
Home Address: _____ Phone: _____
School: _____ Date: _____

Summary of the Alleged Complaint/Conduct

1. Date(s) on which alleged conduct occurred: _____
2. Names of witnesses (please specify whether employee, student, or other): _____

3. Name(s) of the alleged offender(s) (If known) *Please Print* _____

4. Where did the incident happen (choose all that apply)
On school property _____ On a school bus _____
At a school sponsored activity/event _____
Other (explain): _____

5. Describe in detail the specific incident(s) that is the basis of this complaint. Include verbal statements (e.g. threats, demands), or physical threats that are relevant. (Use additional sheets if needed.) _____

6. Did a physical injury result from the incident?
No___ Yes, but it did not require medical attention ___ Yes, medical attention was required ___
7. Was the student victim absent from school as a result of the incident? Yes___ No ___
If yes, how many days? _____

Is there any additional information you would like to provide? _____

I request that the following actions be taken for restitution/recovery: _____

CERTIFICATION

I certify that the statements made in this complaint are true and accurate.

Signature of Complainant