

5517.01 - HARASSMENT, INTIMIDATION OR BULLYING

The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Harassment, intimidation, bullying or aggressive behavior toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all school activities in the County, including school activities on and off of school property at any school-sponsored, school-approved or school-related activity or function, such as a field trip or athletic event where students are under the school's control, or where an employee is engaged in school business in monitoring student activity.

Any student who believes s/he has been or is the victim of harassment, intimidation, bullying or aggressive behavior should immediately report the situation to the building principal or assistant principal. The student may also report concerns to a teacher, counselor or staff member with whom the student feels comfortable who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be harassment, intimidation, bullying or aggressive behavior directed toward a student. Reports may be made to those identified above. Parents or guardians of any student alleged to have been the perpetrator or victim of harassment, intimidation, bullying or aggressive behavior shall be notified of the same.

All complaints about harassment, intimidation, bullying or aggressive behavior that may violate this policy shall be promptly investigated.

If the investigation finds an instance of harassment, intimidation, bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students up to discharge for employee, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, bullying or aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in same manner as harassment, intimidation, bullying or aggressive behavior. Making intentionally false reports about harassment, intimidation, bullying or aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

The following definitions are provided for guidance only. If a student or other individual believes there has been harassment, intimidation, bullying or aggressive behavior, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

"Bullying" is defined as a person willfully and repeatedly exercising power or control over another with hostile or malicious intent (i.e., repeated oppression, physical or psychological, of a less powerful individual by a more powerful individual or group). Bullying can be physical, verbal, psychological, or a combination of all three (3). Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation.

"Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature. Such behavior may or may not be based on the victim's age, race, religion, color, national origin, marital status or disability) sexual orientation, physical characteristic, cultural background, socioeconomic status, or geographic location).

"Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury. Such behavior, again, may or may not be based on the victim's age, race, color, religion, national origin, disability, marital status, physical characteristic, cultural background, socioeconomic status, geographic location or sexual orientation.

"Menacing" includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

"Harassment, intimidation or bullying" is defined as any intentional gesture, or any intentional written, verbal or physical act or threat that a reasonable person under the circumstances should know will have the effect of harming a student; damaging a student's property; placing a student in reasonable fear of harm to his/her person; or placing a student in reasonable fear of damage to his/her property; or is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

"Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons; to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any activity or organization, including both co-curricular and extra-curricular activities.

"Staff" includes all school employees and Board members.

"Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

Confidentiality

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.

However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. In such circumstances, those involved shall make only those disclosures absolutely necessary to the final resolution of the complaint and completion of the investigation.

Notification

Notice of this policy will be **annually** circulated to and posted in conspicuous locations in all school buildings and departments within the County and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigate procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

West Virginia Department of Education Policy 4373.
WV Code 18-2C-1 through 6

Revised 10/18/10