

## **BULLYING/HARASSMENT OF STUDENTS**

Harassment and bullying of students is against federal, state and local policy, and is not tolerated by the Huron Board of Education. In an effort to inform staff, students, and parents, copies of this policy will be available in the offices of the Superintendent, Director of Instruction, and Principal(s), and a link on the home page of the District website. The Board is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, the Board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by students, school employees, and volunteers who have direct contact with students will not be tolerated in the school or school district. Pursuant to policy, the Huron School District does not condone or tolerate harassment or bullying and it is strictly prohibited. Bullying, harassment, hazing, or any other victimization of students or staff based on actual or perceived traits or characteristics of the student or staff including but not limited to: race, color, creed, sex, national origin, religion, age or disability by any student or employee of the Huron School District shall not be tolerated. This conduct will not be allowed at any Huron School District facility including but not limited to playgrounds, practice fields, parking lots, Huron Arena, Tiger Activities Center, or Tiger Stadium. Furthermore, such conduct will not be tolerated at any school sanctioned activity by anyone including guests or visitors of the Huron School District.

This policy shall apply to any persons on school property and also at any and all school sanctioned activities and events whether or not they occur on school property. This includes school vehicles or vehicles leased by the Huron School District or private vehicles that are on school property. This policy also applies to Huron School District students and employees not on school property or at a school event but in situations when the conduct directly affects the good order, efficient management and welfare of the school, school district or its students or staff or causes a substantial disruption to the educational process. Violations of this policy may be subject to disciplinary action up to and including expulsion of students or termination of employees. Volunteers, visitors, or guests of the Huron School District who are in violation of this policy may be prohibited from access to any Huron School District property. Incidents of bullying may be serious enough to involve the School Resource Officer (SRO) or other law enforcement from the initial complaint or may be brought in at any time during the investigation.

Harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or
- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging, or similar technologies.

Bullying or harassment has the purpose or effect of substantially or unreasonably interfering with a student's educational opportunities. This includes but is not limited to academic, co-curricular, extra-curricular and social activities. Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Verbal, nonverbal, physical or written harassment, bullying, 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 grades, 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;
- Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment; and/or
- Stalking, harassment and threatening/harassing contacts by telephone, texting, email and other communication devices.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
- Submission to or rejection of the conduct by a school employee is used as the basis for academic decisions affecting that student; or
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment.

In situations between students and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:

- Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities; and/or
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Retaliation against a person because the person has filed a bullying or harassment complaint or assisted and/or participated in a harassment investigation or proceeding is prohibited. An individual who knowingly files a false harassment complaint and a person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall a person who is found to have retaliated against another in violation of this policy. A student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. A school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. A school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The building principal or assistant principal or designee will be responsible for handling all complaints by students alleging bullying or harassment.

It is the responsibility of the superintendent, in conjunction with the investigator and principals, to develop procedures regarding this policy.

The superintendent is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. This training will take place no later than the first 20 school days of each school year. The training will include how to recognize bullying/harassment and what to do in case a student is bullied/harassed. It will also include proven effective bullying/harassment prevention strategies. The superintendent will develop a process for evaluating the effectiveness of the policy in reducing bullying/harassment. As part of this evaluation the superintendent will determine what additional training, if any, is necessary to improve effectiveness of the policy and procedures. The superintendent shall annually report to the board on the implementation of this policy and its effectiveness in reducing bullying and harassment. The superintendent will make recommendations to modify this policy and/or its accompanying procedures to ensure they are effective.

All documentation associated with a complaint shall be maintained by the building principal for a period of three years. The superintendent is responsible for monitoring the written records to ensure the policies and procedures are being followed. The superintendent can be contacted at 150 5<sup>th</sup> Street SW, Huron, SD 57350 or by calling 605-353-6990.

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook
- Inclusion in the registration materials
- Inclusion on the school or school district's web site and a copy shall be made to any person at the central administrative office at 150 5<sup>th</sup> St. SW, Huron, SD 57350.

**All forms to end of policy.**

## **BULLYING/HARASSMENT INVESTIGATION PROCEDURES**

Students who feel that they have been bullied/harassed should:

- Communicate to the bully/harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the bully/harasser, the individual should ask a teacher, counselor, bus driver or principal to help.
- If the bullying/harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:
  - tell a teacher, counselor, bus driver or principal; and
  - write down (or narrate to parent or school official) exactly what happened, keep a copy and give another copy to the teacher, counselor or principal including;
    - what, when and where it happened;
    - who was involved;
    - exactly what was said or what the bully/harasser did;
    - witnesses to the bullying/harassment;
    - what the student said or did, either at the time or later;
    - how the student felt; and
    - how the bully/harasser responded.
  - teachers or counselors receiving a report, or who witness bullying or harassment, must report the incident to the building principal by the end of the school day in which the event occurred, but in no case later than the morning of the next school day.

All staff that receive a report of bullying/harassment or view bullying/ harassment behavior must fill out the bullying incident form and submit it to the school principal within one school day from the incident. While it is strongly encouraged that students complete a bullying/harassment report, the filing of a report is not mandatory. Staff are still required to complete the incident report form if a student or another staff member or parent or other interested party comes to them to report that they or someone they know was bullied or harassed. The principal may conduct an investigation of the incomplete report.

### **FORMAL COMPLAINT PROCEDURE**

An individual who believes that he/she has been harassed or bullied will notify the principal or assistant principal in his/her building who is the designated investigator. The alternate investigator is the school counselor assigned to a student's attendance center. The investigator may request that the individual complete the /Bullying/Harassment Formal Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. The complainant shall be given a copy of the completed complaint form. Information received during the investigation is kept confidential to the extent possible. When possible, the principal should utilize the school counselor as a "third party recorder" providing an independent document for reference to the investigation, interviews, and resolution meetings.

The principal or the alternate investigator, with permission from the principal, has the authority to initiate an investigation in the absence of a written complaint.

### **INVESTIGATION PROCEDURE**

The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. The investigation should begin within two school days, or within two work days during school recesses. Extenuating circumstances causing the delay of an investigation must be submitted to the superintendent for approval. The length of the investigation is governed by the facts and complexity of each individual case but should be completed within 30 days of the complaint. The superintendent may approve an extension in special circumstances. The

investigator will interview the complainant and the alleged harasser. The alleged bully/harasser may file a written statement in response to the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator will make written findings and conclusions as to each allegation of bullying/harassment and produce written findings and conclusions. An alternate investigator will provide a copy of the written findings of the investigation to the principal.

## **RESOLUTION OF THE COMPLAINT**

Following the completion of his/her own investigation or upon receipt of an alternate investigator's report, the principal may investigate further, if deemed necessary, and make a determination of any appropriate additional steps, which may include discipline. If during the course of completing the report, it is determined that the report is a false report, the completed form will still be provided to the principal who may take disciplinary action for filing a false report. Filing of false reports may be considered by the principal when determining if bullying or harassment has occurred.

A key to resolution is the determination of a pattern of misbehavior by one student or a specific group of students. Accurate recording in the student data system will allow principals to discover documented patterns of misbehavior, which are relevant to resolution of the complaint. This information is confidential to the principal in compliance with Family Educational Rights and Privacy Act (FERPA).

The principal will file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The remedial actions taken by the principal, including disciplinary action where appropriate should be designed to prevent further bullying/harassment. Parents of both the victim(s) and any perpetrator(s) will be informed of the results of the investigation and the principal's findings. The alleged victim or his/her parents may not know the disciplinary action imposed nor may the alleged perpetrator or his/her parents know any of the personally identifiable information such as victim, witnesses, or specifics of the alleged incident beyond the disciplinary action imposed. If parents object to the decision of the principal they may file a grievance as set out in Huron School District, School Board policy (CP-1). The principal, or designee, will monitor the effectiveness of the remedial actions taken by contacting the complainant at least twice during the month following the investigation resolution. These contacts should be included in the documentation. If further remedial actions are necessary, the case shall remain open with ongoing monitoring and documentation. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation. The principal will maintain a log of all complaints, findings, and actions taken, and will maintain all documentation related to a complaint investigation for three years.

## **POINTS TO REMEMBER IN THE INVESTIGATION**

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and promptly investigated.
- No retaliation will be taken against complainant/individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

## **CONFLICTS**

If the investigator is a witness to the incident, the principal may assign the alternate investigator to the incident.

**MONITORING EFFECTIVENESS**

The superintendent is responsible to monitor the effectiveness of the bullying/harassment prevention efforts and the timely reporting to the Board of Education. The principal will annually report to the superintendent the number and type of complaints investigated under this policy and the results, including disciplinary actions taken and the effectiveness of those actions, including follow-up contacts. The documentation supplied by the building principals will be reviewed by central administration to coordinate data district-wide and formulate a comprehensive report. The report will include the number and type of complaints filed under this policy with comparative data from previous years as it becomes available. The report may also include district-wide or individual building survey results related to bullying and harassment.

This policy shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Huron School District

**BULLYING/HARASSMENT FORMAL COMPLAINT FORM**

Name of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser or bully: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any) : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Evident of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible):

\_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*I agree that all of the information on this form is accurate and true to the best of my knowledge.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Huron School District  
**BULLYING/HARASSMENT INCIDENT REPORT FORM**

Date of Report: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Name of Staff Member Witnessing or Reporting: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Persons Involved: (identify as probable harasser(s) and probable victim(s))  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide a brief description of the bullying/harassment incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Potential Witnesses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please describe actions you (as the staff witness or reporter) took as a result of the incident (including any disciplinary action imposed):  
\_\_\_\_\_  
\_\_\_\_\_

Do you believe further action is required?    Yes    No    Other (explain)

Signature of Staff Member Reporting: \_\_\_\_\_

Date Principal Received: \_\_\_\_\_

Signature of Principal: \_\_\_\_\_

Principal - Please enter or attach further action taken as deemed appropriate.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Copy to be on file in Principal's Office)