

**BULLYING, HARASSMENT, AND INTIMIDATION POLICY**

**1.0 SCOPE:** This rule sets the expectation that all schools in the Barbour County School District will be free from bullying, harassment, and intimidation of any kind.

**2.0 PURPOSE:**

2.1 The purpose of this policy is to:

2.1.1 Prevent all forms of bullying, harassment and intimidation toward students in order to protect the academic environment.

2.1.2 Assure that Barbour County Schools responds to incidents of bullying, harassment and intimidation in a manner that effectively deters similar future incidents and affirms respect for individuals.

2.1.3 Barbour County Schools finds that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying, harassment or intimidation, like other disruptive or violent behavior, is, conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, non-threatening environment.

2.2 Barbour County Schools shall collaborate with other state and local agencies in carrying out the purpose of this rule.

**3.0 DEFINITIONS:**

3.1 Bullying, harassment and/or intimidation. Bullying, harassment and/or intimidation as an intentional electronic (cyberbullying), gesture, or any written, verbal or physical act, or threat that is sufficiently inappropriate, severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment or that a reasonable person under the circumstances should know will have the effect of any one or more of the following:

3.1.1 Physically harming a student;

3.1.2 Placing a student in reasonable fear of harm to his/her person;

3.1.3 Damaging a student's property;

3.1.4 Placing a student in reasonable fear of damage to his/her property;

3.1.5 Continual kidding, harassing or demeaning a student;

3.1.6 Any other act of violence. Violence occurs when anyone harms or threatens a person's body, feelings or possessions;

3.1.7 Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or emotionally abusive educational environment for a student;

3.1.8 Disrupts or interferes with the orderly operation of the school;

- 3.2 As used in this article, an electronic act, communication, transmission or threat (cyberbullying) includes but is not limited to one which 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 or voice, email or text message using any such device.
- 3.3 Persons. The term "persons" as used herein shall include all students, staff members and members of the public.
- 3.4 Staff Members. The term "staff members," as used herein shall encompass all employees of the Barbour County Board of Education, including volunteers.

#### **4.0 GENERAL STATEMENT OF POLICY:**

- 4.1 This policy applies to all persons on any school property, a school bus, at a school bus stop, and all persons attending school, school-related activities, or any education-sponsored events, whether held in a building or within or upon other property used or operated by the Barbour County Board of Education, or in any other facility being used by the Barbour County Board of Education.
- 4.2 No person on any school property or attending any school-related activity or any education sponsored event, whether in a building or upon other property used or operated by the Barbour County Board of Education, or in any other facility being used by the Barbour County Board of Education, shall engage in bullying, harassment or intimidation. Persons found to have violated this prohibition shall be subject to the penalties in Section 7, Discipline, and any other penalties prescribed by law.
- 4.3 Any staff member who has or receives notice that a student has or likely has been the victim of bullying, harassment or intimidation is required to immediately report the alleged acts to the designated investigator. Failure to do so shall result in disciplinary action.

#### **5.0 COMPLAINT PROCEDURES:**

- 5.1 Any student who believes he or she has been the victim of any form of bullying, harassment, or intimidation and any person with knowledge or reasonable belief of conduct which may constitute any form of bullying, harassment or intimidation toward another student shall report the alleged acts immediately to the designated person as set forth in section 5.2, below. Assistance shall be provided to individuals who need help in filing such complaints. Nothing in this policy shall prevent any person from also reporting bullying, harassment or intimidation directly to the building principal, the county superintendent, or to the West Virginia Human Rights Commission, a law enforcement agency or any other appropriate institution or official.
- 5.2 Any student assigned to a school who believes he or she has been the victim of any form of bullying, harassment or intimidation, or any staff member who has knowledge or reasonable belief of conduct which may constitute any form of bullying, harassment, or intimidation toward a student shall report the alleged acts

immediately to the building principal, who shall become the designated investigator. In the event that the principal is the alleged harasser, the report may be made to any teacher, who shall forward the complaint directly to the Title IX Coordinator, who shall become the designated investigator.

- 5.3 All designated investigators shall be given training by Barbour County Schools on an annual basis regarding proper investigation and reporting procedures.
- 5.4 All reports received alleging any form of bullying, harassment and/or intimidation shall be reported through the West Virginia Education Information System (WVEIS) to be aggregated and presented by the West Virginia Department of Education to the West Virginia Board of Education annually.
- 5.5 Under certain circumstances, some forms of bullying, harassment or intimidation may rise to the level of child and/or sexual abuse as defined in Chapter 49 of the West Virginia Code. In such situations, all staff members shall comply with the provisions of law for reporting such abuse.

## **6.0 INVESTIGATION:**

- 6.1 Upon receipt of a report or complaint alleging any form of bullying, harassment and/or intimidation, the designated investigator shall immediately undertake or authorize a thorough investigation. Immediate steps shall be taken to protect the complainant pending completion of an investigation of alleged bullying, harassment or intimidation.
- 6.2 After the investigator has determined that there are reasonable grounds to believe that an incident of bullying, harassment and/or intimidation has occurred, the person accused of bullying, harassment and/or intimidation, or his or her parent(s), custodian(s) or guardian(s), should be notified promptly of the resulting investigation. Likewise, the parent(s), custodian(s) or guardian(s) of any student involved in an incident prohibited pursuant to this policy shall be notified promptly.
- 6.3 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 lawful methods and review of circumstances deemed pertinent by the investigator.
- 6.4 The investigation shall be completed forthwith. The designated investigator shall cause the findings of the investigation to be set forth in a written report. The report shall include a determination of whether the allegations have been substantiated and whether the actions are violations of this policy.
- 6.5 The result of the investigation of each complaint filed under these procedures shall be reported in writing by the designated investigator to the subject of the complaint or his/her legal guardian as well as the complainant or his/her legal guardian.

## **7.0 DISCIPLINE:**

- 7.1 In determining both the appropriate school or county response and/or the appropriate discipline for the perpetrator, the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred shall be considered. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- 7.2 If the results of the investigation support disciplinary action, appropriate disciplinary action may include, but is not limited to, warning, written reprimand, suspension, exclusion, expulsion, to be determined at the discretion of the designated investigator and/or the superintendent and is consistent with BCS Policy 8400 Student Code of Conduct.
- 7.3 In matters where the perpetrator is an employee of Barbour County Schools, the immediate supervisor shall forward his or her investigation findings to the superintendent, who shall have final authority in determining the appropriate response and/or discipline.
- 7.4 Any staff member found to be in violation of this policy shall have the investigation report placed in his/her personnel file along with any and all records concerning action taken as a result of such violation of policy. Those same records shall be immediately transmitted to the State Superintendent of Schools.
- 7.5 Restitution: When a student damages another's property, the offending student and parents will be required to replace the property that has been damaged.

## **8.0 CONFIDENTIALITY:**

- 8.1 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 shall be vigorously protected and violations of such confidentiality may themselves be grounds for disciplinary action.
- 8.2 Any information related to a reported incident of bullying, harassment or intimidation is exempt from disclosure under West Virginia Code §29B-1-1, et seq.

## **9.0 REPORTING TO THE WEST VIRGINIA DEPARTMENT OF EDUCATION:**

- 9.1 The superintendent of Barbour County Schools, or his or her designee, shall immediately file a report with the West Virginia Department of Education of any allegations of bullying, harassment and/or intimidation via WVEIS.
- 9.2 Upon conclusion of the investigation, the superintendent of Barbour County Schools, or his or her designee, shall file a report, or update his or her initial report, with the West Virginia Department of Education indicating whether or not the allegations were substantiated and outlining every action taken in response to any report, via WVEIS.

9.3 The superintendent of Barbour County Schools, or the Barbour County Board of Education shall also initiate such other action as is appropriate to prevent recurrences of bullying, harassment or intimidation and adequately protect students in accordance with this policy.

**10.0 REPRISAL:** Barbour County Schools shall develop discipline procedures with which to take appropriate action against any person who retaliates against another person for reporting alleged bullying, harassment or intimidation or for testifying, assisting or participating in an investigation, or for testifying, assisting or participating in a proceeding or hearing relating to such bullying, harassment or intimidation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

**11.0 RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES:** This policy does not deny the right of any person to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, initiating civil action or seeking redress under the state criminal statutes and/or federal law.

**12.0 DISSEMINATION OF POLICY AND TRAINING:**

12.1 This policy, or a summary hereof, shall be conspicuously posted throughout all Barbour County schools and facilities in areas accessible to all persons. Further, a copy of the policy shall appear in any student handbook and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for schools.

12.2 A legible copy of this policy, or a summary thereof, must be disseminated to students and parents, custodians or guardians of students along with an explanation of how to report violations of the policy by October 1 of each year.

12.3 Barbour County Schools shall develop and implement training for students and staff members concerning this policy, its implications and means for effectively promoting the goals of this policy.

12.4 A copy of this policy shall be forwarded to the West Virginia Department of Education by June 30, 2002. All subsequent revisions shall likewise be remitted to the West Virginia Department of Education, Office of Student Services and Assessment, on or before the effective date of the revised policy.

**AUTHORITY:**

WV Code §18-C2-1, §49-6A-2. §29B-1-1, Barbour County Schools Policy 8400 Student Code of Conduct

**Source:** Board of Education Minutes

**Adopted:** 04/16/02

**Revised:** 06/27/11; 08/10/09