

REQUIRED

Descriptor Code: ACEA

BULLYING POLICY

Definitions

For the purposes of this policy:

- *Bullying* is defined as conduct prescribed in NDCC 15.1-19-17. The Principal should place this definition, in its entirety, in student and staff handbooks and should develop guidelines to assist students and staff with identifying this conduct.
- *School property* refers to all property owned or leased by the District, school buses and other vehicles, or any school district sponsored or school-sanctioned activity.
- *School-sanctioned activity* is defined as an activity that:
 - a. Is not part of the district's curricular or extracurricular program; and
 - b. Is established by a sponsor to serve in the absence of a district program; and
 - c. Receives district support in multiple ways (i.e., not school facility use alone); and
 - d. Sponsors of the activity have agreed to comply with this policy; and
 - e. The District has officially recognized through board action as a school-sanctioned activity.
- *School-sponsored activity* is an activity that the District has approved through policy or other board action for inclusion in the district's extracurricular program and is controlled and funded primarily by the District.
- *School staff* includes all employees of the Apple Creek School District and any representatives.
- *True threat* is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of intent to inflict harm.

Prohibitions

While at 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, an individual may not:

1. Engage in bullying;
2. Engage in reprisal or retaliation against:
 - a. A victim of bullying;
 - b. An individual who witnesses an alleged act of bullying;
 - c. An individual who reports an alleged act of bullying; or
 - d. An individual who provides information/participates in an investigation about an alleged act of bullying.
3. Knowingly file a false bullying report with the District;

Off-campus bullying that is received on school property is also prohibited.

Reporting Procedures for Alleged Policy Violations

Reporting requirements for school staff: Any school staff member with knowledge or suspicion of a violation of this policy or who has received an oral or written report of a violation of this policy from a student, community member, or anonymously shall contact the Principal to inform him/her as soon as possible. If the alleged violation implicates the principal, the school staff member shall report it to the Board President.

District employees found to be in violation of this policy or who fail to report suspected or known prohibitions under this policy shall be subject to disciplinary action up to and including termination of employment in accordance with policy, law and when applicable, the negotiated agreement. The school board expects administrators and supervisors to make it clear to students and staff that bullying on school property, as defined above, or at a school sponsored function will not be tolerated and will be grounds for disciplinary action up to and including suspension or expulsion of students, and termination for employee's.

Reporting options for students and community members:

- Students and community members (including parents) who are a victim or witness to a suspected bullying violation should immediately report this behavior to a school staff member and complete a Bullying Report Form.
- File an oral report with any school staff member.
- File a report anonymously. (A complaint filed anonymously may limit the district's ability to investigate and respond to the alleged violations.)

Reporting to Law Enforcement & Other Forms of Redress

Anytime a school staff member has reasonable suspicion that a bullying incident constituted a crime, s/he shall report it to law enforcement. Also, nothing in this policy shall prevent a victim/his/her family from seeking redress under state and federal law.

Documentation & Retention (required by statute to be in this policy)

The District shall develop a form to report alleged violations of this policy. The form should be completed by school staff when they:

1. Initiate a report of an alleged violation of this policy; or
2. Receive an oral report of an alleged violation of this policy.

All reports of an alleged violation of this policy received by the District shall be forwarded to the appropriate school administrator for investigation and retention.

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for 6 years after a student turns 18 or graduates from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for 6 years after the student turns 18.

Investigation Procedures

School administrators (i.e., a principal, or school board president) are required to investigate violations of this policy (as prescribed under “Prohibitions”), when in receipt of actual notice of an alleged violation.

Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected class—whether actual or perceived. Reports involving a protected class shall be investigated in accordance with the district’s harassment/discrimination policy, including the timelines contained therein.

Principal shall determine the level of investigation necessary based on the nature of the alleged violation of this policy. Based on the level of investigation the administrator deems necessary, investigations may include any or all of the following steps or any other investigatory steps that the administrator deems necessary:

- Identification and collection of necessary and obtainable physical evidence (NOTE: In some cases physical evidence may be unobtainable, e.g., a private social networking profile);
- Interviews with the complainant, the victim, and/or the alleged perpetrator. At no time during an investigation under this policy shall the victim/complainant be required to meet with the alleged perpetrator;
- Interviews with any identified witnesses;
- A review of any mitigating or extenuating circumstances;
- Final analysis and issuance of findings in writing to the victim and bully and, if applicable, implementation of victim protection measures and disciplinary measures under this or other applicable policies.

Investigations shall be completed within 30 days unless the Principal documents good cause for extending this deadline. Such documentation should be sent to victim and alleged perpetrator during the investigation.

Disciplinary & Corrective Measures

Students that the District has found to have violated this policy shall be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, the Principal and/or school board president shall take into account the circumstances surrounding the violation. Measures that may be imposed include, but are not limited to:

1. Require the student to attend detention after school hours;
2. Impose in- or out-of-school suspension or recommend expulsion. Due process procedures contained in the district’s suspension and expulsion policy shall be followed;
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. The Superintendent may approve such recommendations only if the student has been given notice of the charges against him/her and an opportunity to respond;
4. Create a behavioral adjustment plan;
5. Refer the student to a school counselor;

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6. Hold a conference with the student's parent/guardian and classroom teacher(s), and other applicable school staff;
7. Take measures to minimize contact with the victim;
8. If applicable, contact the administrator of the website on which the bullying occurred to report it.
9. If property damage, to the District, has occurred reconciliation will be pursued.
10. Referral to Law Enforcement

If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district disciplinary policies.

For bullying initiated off campus and received on campus (e.g. cyber bullying), the District only has authority to impose disciplinary measures if the bullying substantially disrupted the educational environment or posed a true threat. In all other cases of off campus bullying received on campus, the District may only take corrective measures as described in items five through eight above.

If the perpetrator is a school staff member, the District shall take appropriate disciplinary action including, but not limited to: a reprimand, modification of duties (only if allowed by applicable policy, the negotiated agreement, and/or the individual's contract), suspension, or a recommendation for termination/discharge in accordance with any applicable law.

Victim Protection Strategies

When the District confirms that a violation of this policy has occurred, reasonable efforts shall be made to notify the victim's parents and the District shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the circumstances surrounding the bullying incident(s) or other violations of this policy. Strategies may include, but not be limited to, the following:

1. Additional education for all students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim's teachers and other staff to monitor the victim and his/her interaction with peers.
3. Assignment of staff to monitor, more frequently, areas in the school where bullying has occurred.
4. Referral to counseling services for the victim and perpetrator.
5. Modification of schedule and other appropriate measures to minimize the perpetrator's contact with the victim.

Prevention Programs & Professional Development Activities

In accordance with law, the District shall develop and implement bullying prevention programs for all students and staff professional development activities.

POLICY ADOPTED: 23 Oct 05
POLICY AMENDED: 12 Mar 12