

HARASSMENT, INTIMIDATION AND BULLYING

The Board is dedicated to providing a safe and civil learning environment. Harassment, intimidation and bullying disrupt a student's ability to learn and a school's ability to educate. Students and staff are expected to demonstrate positive character traits and values. Conduct and speech must be civil and respectful in order to promote harmonious and courteous relations in the school environment.

(cf. 5137 – Positive School Climate)

Students, staff and volunteers are prohibited from engaging in any form of harassment, intimidation, or bullying while on school property, on school buses, or at school-sponsored activities or functions. Students who engage in such acts are subject to appropriate disciplinary action, up to and including suspension or expulsion. Staff who engage in acts of harassment, intimidation or bullying are also subject to appropriate disciplinary action up to and including suspension and termination. Volunteers who engage in such acts will be denied the opportunity to volunteer in the future.

To promote an environment free of harassment, intimidation, or bullying, the principal or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff inservice and student instruction and counseling. Teachers shall discuss this policy with their students in age appropriate ways and assure students that they need not endure any form of harassment, intimidation, or bullying.

The district will provide parent and community information, and age-appropriate student instruction, on how to identify, respond to, and prevent harassment, intimidation, and bullying.

(cf. 5131.5 – Vandalism, Theft and Graffiti)

(c.f. 5144 - Discipline)

(c.f. 5144.1 – Suspension and Expulsion)

HARASSMENT, INTIMIDATION AND BULLYING DEFINED

Harassment, intimidation, or bullying means an intentional act, whether written, oral, electronic or physical, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and

- (a) physically harms the student or damages the student's property;
- (b) has the effect of substantially interfering with the student's education;

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- (c) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- (d) has the effect of substantially disrupting the orderly operation of the school.

(c.f. 5145.3 – Nondiscrimination)

Cyberbullying

All forms of harassment, intimidation or bullying via electronic means, commonly referred to as cyberbullying, are prohibited. Cyberbullying also includes, but is not limited to, any use of technology to threaten, harass, intimidate or bully, including sending or posting inappropriate email messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs. An individual who redistributes a cyberbullying communication can be found in violation of this policy, even if the individual did not author or create the original communication or image.

The district's computer network, including access to the Internet via that network, whether accessed on campus or off campus, during or after school hours, may not be used for the purpose of harassment, intimidation, or bullying. Users are responsible for the appropriateness of the material they transmit over the system.

In situations in which the cyberbullying originates from a private (non-school) computer or other electronic device, but is brought to the attention of school officials, disciplinary measures may be imposed when the communication:

1. Is of a criminal nature, including but not limited to, threats of violence or harm against staff members, students, or their property;
2. Suggests or advocates physical harm to staff members or students;
3. Causes a student or staff member to experience a substantially detrimental effect on his or her physical or mental health;
4. Causes a student or staff member to experience substantial interference with academic or work performance, or with his or her ability to participate in or benefit from district services or activities;
5. Threatens vandalism to school property; or
6. Creates a significant disruption to the school's educational mission, purpose or objectives.

Disciplinary action may include, but is not limited to, the loss of computer privileges, detention, suspension, or expulsion for those committing acts of cyberbullying. In addition, any kind of threat or hate crime will be reported to law enforcement officials.

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Students and staff who believe they have been the victims of cyberbullying, as described in this policy, should not erase the offending material from the system. A copy of the material should be printed and a report made under this policy.

(cf. 6161.4 – Internet)

(cf. 6161.5 – Web Sites / Pages)

REPORTING

Note: A school employee, student or volunteer who makes a good faith report of harassment, intimidation, or bullying is entitled to statutory immunity from suit. The immunity extends to causes of action for damages arising from a failure to remedy the reported incident or for making the report. AS 14.33.230.

Students or staff members who have witnessed or have reliable information that a student has been subjected to harassment, intimidation or bullying should report the incident immediately to the principal or his/her designee, who shall promptly initiate an investigation. The investigation shall include an assessment of what actions should be taken, as appropriate, to protect the student who has been found to be the victim of harassment, intimidation or bullying. Such actions may include the provision of support services necessary to permit the student to feel safe and secure in attending school. The Superintendent shall develop procedures to implement this policy.

Response

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, the following factors should be considered:

- a. the development and maturity levels of the parties involved;
- b. the level of harm;
- c. the surrounding circumstances;
- d. past incidences or past continuing patterns of behavior;
- e. the relationships between the parties involved;
- f. the level of disruption in or interference with the orderly operation of the school.

This policy should not be interpreted to prohibit a reasoned and civil exchange of opinions or debate that is protected by law and Board policy.

(c.f. 5145.2 – Freedom of Speech/Expression)

Conduct that does not rise to the level of harassment, intimidation or bullying may still be prohibited by other policies or rules.

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Citations and legal references

- (cf. 5131 – Conduct)
- (cf. 5131.4 – Campus Disturbances)
- (cf. 5131.41 – Violent and Aggressive Conduct)
- (cf. 5131.42 – Threats of Violence)
- (cf. 5131.5 – Vandalism, Theft & Graffiti)
- (cf. 5137 – Positive School Climate)

Legal Reference:

ALASKA STATUTES

- 14.33.200 Harassment, intimidation and bullying policy
- 14.33.210 Reporting of incidents of harassment, intimidation or bullying
- 14.33.220 Reporting, no reprisals
- 14.33.230 Immunity from suit
- 14.33.250 Definitions
- 11.61.120 Harassment in the second degree

CODE OF FEDERAL REGULATIONS

- 28 CFR Part 35, Title II of the Americans with Disabilities Act of 1990 (ADA)
- 34 CFR Part 104, Section 504 of the Rehabilitation Act of 1973 (Section 504)
- 34 CFR Part 300, Individuals with Disabilities Education Act (IDEA)

* Legal references updated 6/10/2015

KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT
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Revision Date: 10/27/2010
Revision Date: 8/08/2012

HARASSMENT, INTIMIDATION AND BULLYING

It shall be a violation for any student or staff member to harass, intimidate or bully another person while at school, traveling to and from school, or attending school-sponsored events. Moreover, it shall be a violation for any school staff member to knowingly ignore or tolerate harassment, intimidation or bullying at school or at school sponsored events.

For the purpose of this policy, *school staff* includes school employees, school board members, agents, volunteers, contractors or other persons subject to the supervision and control of the school district.

Bullying Defined

Bullying is the repeated intimidation of others by inflicting or threatening physical, verbal, written, electronic, or emotional abuse, or damage to another's property. Bullying may include, but is not limited to, conduct such as physical abuse, damage or theft of another's property, social exclusion from activities, verbal taunts, name-calling, rumors, innuendoes, drawings, jokes, gestures, pranks, and put-downs relating to real or perceived differences, including another's culture, race, ethnicity, gender, sexual orientation, religion, body size, physical appearance, clothing, personality, age, socioeconomic, status, ability or disability or other distinguishing characteristics.

Intimidation Defined

Intimidation is defined as frightening or use of force to coerce the behavior of another person(s).

Hazing as a Form of Bullying

Hazing includes any act that endangers the health or safety of a person or subjects that person to physical discomfort or embarrassment because of the person's participation or membership in, or as a condition of attaining or maintaining membership in or a position with or affiliation with, any classroom, grade level or school-sponsored activity or function. Hazing related to non-school sponsored activities is also prohibited if the hazing behavior occurs on school grounds or at a school-sponsored activity or function. Hazing is considered a form of bullying and is prohibited by this policy regardless of whether the subjects of the hazing are, or profess to be, willing participants in the hazing activity.

HARASSMENT, INTIMIDATION AND BULLYING (continued)**Sanctions for Harassment, Intimidation or Bullying**

Appropriate sanctions will be taken against students and/or employees who commit acts of harassment, intimidation or bullying. For students, the sanctions must be appropriate to the seriousness of the incident and may include detention, suspension, and/or expulsion in accordance with state law, district policy, administrative regulation, and student handbooks. For school staff, sanctions will be in accordance with state law, district policy, administrative regulation, collective bargaining agreements, and applicable codes of ethics.

Note: A staff member or student who observes or receives a sexual image on a computer or personal electronic device should not forward that image electronically. The image should be secured and the device turned over to an administrator. Any sexual image of a minor requires reporting to OCS and/or law enforcement.

Reporting Procedure

1. Any student or staff member who believes he or she has been the victim of harassment, intimidation or bullying may report the alleged act to the school principal or designee. If a student is more comfortable reporting to a person other than the principal, the student may contact any school employee. The principal or designee will accept anonymous reports but formal disciplinary action may not be taken without corroborating evidence.
2. Any school employee, or an employee of an entity under contract with the school district, who receives a report, witnesses harassment, intimidation or bullying, or has reliable information that a student has been subject to harassment, intimidation or bullying shall act immediately to protect the alleged victim, if necessary, and shall immediately report the incident to the student's principal or designee for prompt investigation.
3. Upon receipt of a report of harassment, intimidation or bullying, the principal or designee shall forward a timely written report of the incident and his or her response to the Safe and Drug-Free Schools Coordinator or other individual identified by the Superintendent. That individual shall compile and maintain data of all incidents of harassment, intimidation or bullying that result in suspension or expulsion. Such data shall be reported to the Department of Education and Early Development on an annual basis.
4. The principal or designee shall by telephone and in writing notify the parents or guardians of the students involved of the alleged harassment, intimidation or bullying incident. The notice shall advise individuals involved of their due process rights.

HARASSMENT, INTIMIDATION AND BULLYING (continued)
Reporting Procedure continued

Investigation and Corrective Action

1. The principal or designee shall promptly and thoroughly investigate all alleged acts of harassment, intimidation or bullying.
2. All involved in an alleged act of harassment, intimidation or bullying shall be advised by the principal of his or her due process rights.
3. At the conclusion of the investigation, the principal shall take such disciplinary action deemed necessary and appropriate to end the misconduct and prevent its recurrence. The principal will act in accordance with the student conduct code, the teacher code of ethics, and paraprofessional code of ethics to discipline the offending party(ies).
4. Incidents of harassment, intimidation or bullying that involve criminal activity shall be reported to law enforcement.

False Report

Students and staff who knowingly or willfully make a false report of harassment, intimidation or bullying, or provide false information in connection with an investigation, will be subject to disciplinary action up to and including suspension/expulsion for students and termination for staff.

Retaliation Prohibited

Retaliation or reprisal against any person who reports an incident of harassment, intimidation or bullying, or cooperates in an investigation, is strictly prohibited. Any such retaliation or reprisals will result in suspension or expulsion of offending students, and disciplinary action up to termination for school employees.

KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

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