

## ANTI-BULLYING/HARASSMENT OF STUDENTS

Harassment and bullying of students is against federal, state and local policy, and is not tolerated by the Brandon Valley Board of Education. 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.

The Board prohibits harassment, bullying, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics of the student including: race, color, creed, gender, national origin, religion, age or disability.

This policy is in effect while students or employees are on property within the jurisdiction of the Board; while in school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or school district.

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to, and including, termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures up to, and including, exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

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.

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; and/or
- Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment.

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 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. In addition to the reporting procedure outlined within policy, a person may anonymously report an act of bullying through the state of South Dakota's anonymous tip-line (Safe2Say South Dakota), although formal disciplinary action may not be based solely on an anonymous report.

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

The superintendent also is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and 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 300 S. Splitrock Blvd., Brandon, SD 57005 or by calling 605-582-2049.

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 300 S. Splitrock Boulevard, Brandon, SD.

Adoption Date: August 10, 2009

Revision Date: January 23, 2023

ANTI-HARASSMENT/BULLYING 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: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

ANTI-HARASSMENT/BULLYING WITNESS STATEMENT FORM

Name of witness: \_\_\_\_\_

Position of witness: \_\_\_\_\_

Date of testimony, interview: \_\_\_\_\_

Description of incident witnessed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

## ANTI-HARASSMENT/BULLYING INVESTIGATION PROCEDURES

Students who feel that they have been harassed should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser, the individual should ask a teacher, counselor, bus driver or principal to help.
- If the 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 exactly what happened, keep a copy and give another copy to the teacher, counselor or principal including;
    - o what, when and where it happened;
    - o who was involved;
    - o exactly what was said or what the harasser did;
    - o witnesses to the harassment;
    - o what the student said or did, either at the time or later;
    - o how the student felt; and
    - o how the 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.

### **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 Harassment/Bullying 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.

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 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 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.

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 harassment. 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. The principal will annually report the number and type of complaints investigated under this policy and the results, including disciplinary actions taken and the effectiveness of those actions as measured by required follow-up contacts, to the Superintendent.

## **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 alternate investigator shall investigate.

## **MONITORING EFFECTIVENESS**

The superintendent will review the documentation supplied by the building principals annually and report to the Board of Education. In the review the superintendent will report the number and type of complaints filed under this policy with comparative data from previous years as it becomes available. The superintendent will also report the results of the follow-up contacts with complainants as a gauge of the effectiveness of the investigations and subsequent actions. The report may also include district-wide or individual building survey results related to bullying and harassment.