

BULLYING, HARASSMENT AND INTIMIDATION

1. General.

1.1 Statement of Policy. It is the policy of the Board to maintain a learning environment that is free from harassment, intimidation or bullying. The county prohibits any form of harassment, intimidation or bullying of any student on school property or at a school-sponsored event.

1.2 Application. This policy shall be effective on school property, school bus, school bus stops, school-sponsored events and at any time or place where the conduct in question significantly disrupts the operation of a school or prevents the target of such conduct from accessing or benefiting from educational programming.

1.3 Definitions.

1.3.1 “Harassment, intimidation or bullying” means any intentional gesture or any intentional electronic, written, verbal or physical act or communication, transmission or threat, that a reasonable person under the circumstances should know would have the effect of:

- 1.3.1.1 physically harming a student;
- 1.3.1.2 damaging a student’s property;
- 1.3.1.3 placing a student in reasonable fear or harm to his or her person;
- 1.3.1.4 placing a student in reasonable fear of damage to his or her property; or
- 1.3.1.5 sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment.

1.3.2 “Persons” means students, staff and members of the public.

1.3.3 “Staff” means all employees and volunteers.

1.3.4 “Electronic act communication, transmission or threat” includes, but is not limited to, one that 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, audio, voice e-mail or text message using any such device.

2. Procedure for Reporting Incidents

2.1 Formal Complaint Procedures. Any student who believes he or she has been the victim of harassment, intimidation or bullying by a student, teacher, administrator or other school personnel of the School District, or by any other person who is participating in, observing or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the School District, is encouraged to immediately report the alleged acts to an appropriate School District official designated by this policy. Any teacher, administrator or other school official who has or receives notice that a student has or may have been the victim of harassment, intimidation or bullying by a student, teacher, administrator or other school personnel of the School District, or by any other person who is participating in, observing or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the School District, is required to immediately report the alleged acts to an appropriate School District official designated by this policy.

2.2 Reporting Responsibilities. Any other person with knowledge or belief that a student has or may have been the victim of sexual harassment or harassment based on race, color, national origin or disability as set forth above, is encouraged to immediately report the alleged acts to an appropriate School District official designated by this policy. The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated. Nothing in this policy shall prevent any person from reporting harassment directly to a county Title IX designee or to the Superintendent.

2.3 Responsibility for Receipt of Reports. In each school building, the building principal is the person responsible for receiving oral or written reports of harassment, intimidation or bullying at the building level. Any adult School District personnel who receives a report of harassment, intimidation or bullying shall inform the building principal immediately. Upon receipt of a report, the principal must notify the School District Title IX designee immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Title IX designee. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Title IX designee. Failure to forward any harassment, intimidation or bullying report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building

principal, the complaint shall be made or filed directly with the Superintendent or the School District Title IX designee by the reporting party or the complainant.

3. Administration. The School Board has charged the Title IX designee with responsibility to identify, prevent and remedy harassment, intimidation or bullying. The Title IX designee shall:

3.1 receive reports or complaints of harassment, intimidation or bullying.

3.2 notify the parents or guardians of students who are involved in an incident involving harassment, intimidation or bullying;

3.3 develop and cause the implementation of an interim strategy for protecting a victim from additional harassment, intimidation or bullying or retaliation during the course of the investigation;

3.4 oversee the investigative process;

3.5 be responsible for assessing the training needs of the county's staff and students in connection with the dissemination, comprehension and compliance with this policy;

3.6 arrange for necessary training required for compliance with this policy;

3.7 insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment and who is able to apply procedural and substantive standards which are necessary and applicable to identify harassment, intimidation or bullying, recommend appropriate discipline and remedies when harassment, intimidation or bullying is found, and take other appropriate action to rectify the damaging effects of any prohibited harassment, intimidation or bullying; and

3.8 facilitate the development and implementation of an education program for each programmatic level, K-5, 6-8 and 9-12, as well as a prevention-and response program for all staff and to be delivered annually. The programs must include, but are not limited to, life skills training, character education, anger management, conflict resolution and peer mediation skills. The Title IX designee shall report to the West Virginia Department of Education, Office of Student Services and Assessment plans for student and staff training/education programs and their delivery, as scheduled and delivered.

If any complaint involves the Title IX designee, the complaint shall be filed directly with the Superintendent. The School District shall conspicuously post this policy against harassment, intimidation or bullying in each school that the county maintains, in

a place accessible to students, faculty, administrators, employees, parents and members of the public. This notice shall include the name, mailing address and telephone number of the Title IX designee.

4. Publication/Students. A copy of this policy shall appear in the student handbook and shall be made available upon request of parents, students and other interested parties. A copy or summary of this Policy, that includes reporting procedures, shall be provided to parents, custodians or guardians of students prior to October 1 of each school year. An offense of “harassment, intimidation or bullying” shall be identified in the county’s Student code of Conduct and shall include, as a maximum penalty for violation, expulsion for a period of up to one school year.

5. Retaliation/Reprisal. It shall also be a violation of this policy to engage in retaliation or reprisal against any person who reports bullying, harassment or intimidation or who testifies, assists or participates in an investigation or proceeding involving bullying, harassment or intimidation. An offense “Reprisal – harassment, intimidation or bullying” shall be identified in the county’s Student Code of Conduct and shall include, as a maximum penalty for violation, expulsion for a period of up to one school year.

6. Training. The School Board will develop a method of discussing this policy with students and employees. Training on the requirements of harassment, intimidation or bullying and the appropriate responses to issues of harassment, intimidation or bullying will be provided to all school personnel on an annual basis and at such other times as the School Board in consultation with the Title IX designee determines it necessary or appropriate.

7. Privacy. The School District will respect the privacy of the complainant, the individuals against whom the complaint is filed and the witnesses as much as possible, consistent with the county’s legal obligations to investigate, to take appropriate action and to conform to any discovery or disclosure obligations. All records generated under the terms of this policy shall be exempt from disclosure under the West Virginia Freedom of Information Act.

8. Investigation. Upon receipt of a report or complaint alleging harassment, intimidation or bullying, the Title IX designee shall immediately undertake or authorize an investigation. That investigation may be conducted by School District officials or by a third party designated by the School District. The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents that may be relevant to the particular allegations. In determining whether

the alleged conduct constitutes a violation of this policy, the School District shall consider:

- 8.1 the nature of the behavior;
- 8.2 how often the conduct occurred;
- 8.3 whether there were past incidents or past continuing patterns of behavior;
- 8.4 the relationship between the parties involved;
- 8.5 the race, national origin, sex and age of the victim;
- 8.6 the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment;
- 8.7 the number of alleged harassers;
- 8.8 the age of the alleged harasser;
- 8.9 where the harassment occurred;
- 8.10 whether there have been other incidents in the school involving the same or other students;
- 8.11 whether the conduct adversely affected the student's education or educational environment;
- 8.12 the context in which the alleged incidents occurred; and
- 8.13 whether or not speech or expression that is alleged to constitute harassment, intimidation or bullying is protected by the First Amendment to the United States Constitution.

9. Report of Violations. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. The investigation shall be completed no later than fourteen (14) days from receipt of the report. The School District Title IX designee shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The School District Title IX designee's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

The result of the School District's investigation or each complaint filed under these procedures will be reported in writing to the complainant and other parties by the School District in accordance with state and federal laws regarding data or records privacy and consistent with the privacy rights of the alleged harasser.

10. Remedial Action. If the results of the School District's evaluation of a complaint of harassment, intimidation or bullying results in a conclusion that an individual has engaged in harassment, intimidation or bullying in violation of this policy, or that school personnel have failed to report harassment, intimidation or bullying as required herein, appropriate remedial action will be pursued, including student and school personnel disciplinary action, when appropriate.

11. Reporting/WVDE. All reports received alleging any form of bullying, harassment or intimidation shall be reported through the West Virginia Education Information System (WVEIS) to be aggregated and presented to the West Virginia Department of Education annually. Upon conclusion of an investigation, the Superintendent, or designee, shall submit a report (through WVEIS) to the West Virginia Department of Education that indicates whether the allegations were substantiated and include a description of all actions taken. Copies of all complaints of harassment and the investigations conducted pursuant to them, shall be maintained for a period of twenty (20) years at the main administrative offices of the School District.

12. Policy Approval. A copy of this policy shall be submitted to the West Virginia Department of Education, Offices of Student Services and Assessments, on or before June 30. Any subsequent revisions shall be submitted to the West Virginia Department of Education, Offices of Student Services and Assessments, on or before the effective date of such revisions.

13. Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule.

Legal Authority: West Virginia Code §18-2C-1, et seq.

West Virginia Board of Education Policy 4373

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Third Reading and Adopted: October 14, 2019