

## **POLICY # 1.52 BULLYING**

### **STUDENTS**

#### **Prohibition of Harassment, Intimidation, and Bullying**

The Eufaula Public School District is committed to a safe and civil educational environment for all students, employees, volunteer and patrons, free from harassment, intimidation or bullying. "Harassment, intimidation or bullying" means any intentional written, verbal, or physical act, when the intentional written, verbal, or physical act:

- Physically harms a student or damages the student's property; or
- Has the effect of substantially interfering with a student's education; or
- Is severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this policy requires the affected student to possess a characteristic that is a perceived basis for the harassment, intimidation, or bullying, or other distinguishing characteristic.

Harassment, intimidation or bullying can take many forms including: slurs, rumors, jokes, innuendo's, demeaning comments, drawing cartoons, pranks, gestures, physical attacks, threats, teasing, taunting or other written, oral, electronic devices or physical actions. "Intentional acts" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the education environment. Many behaviors that do not rise to the level of harassment, intimidation, or bullying may still be prohibited by other district policies or building, classroom, or program rules.

Counseling, corrective discipline, and/or referral to law enforcement will be used to change the behavior of the perpetrator and remediate the impact on the victim. This includes appropriate intervention(s), restoration of a positive climate, and support for victims and others impacted by the violation. False reports or retaliation for harassment, intimidation or bullying also constitutes violations of this policy.

The Superintendent is authorized to direct the development and implementation of procedures addressing the elements of this policy, consistent with the complaint and investigation components of procedure followed for Sexual Harassment.

## STUDENTS

### Prohibition of Harassment, Intimidation, and Bullying

**Informal Complaint Process:** Anyone may use informal procedures to report and resolve complaints of harassment, intimidation, or bullying. At the building level, programs may be established for receiving anonymous complaints. Such complaints must be appropriately investigated and handled consistent with due process requirements. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to, and the process for, filing a formal complaint. Staff shall also direct potential complaints to an appropriate staff member who can explain the informal and formal complaint process and what a complainant can expect. Staff members are required to inform the building principal or designated staff person when they receive complaints or witness harassment, intimidation, or bullying.

Informal remedies include an opportunity for the complainant(s) to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate either in writing or face-to-face; a statement from a staff member to the alleged perpetrator that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district harassment, intimidation and bullying policy without identifying the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated.

**Formal Complaint Process:** Anyone may initiate a formal complaint of harassment, intimidation or bullying, even if the informal complaint process is being utilized. Complainant(s) should not be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearing may result. Efforts should be made to increase the confidence and trust of the person making the complaint. The district will fully implement the anti-retaliation provisions of this policy to protect complainant(s) and witness(es). Student complainants and witnesses may have a parent or trusted adult with them, if requested, during any district initiated investigatory activities. The superintendent or building principal may conclude that the district need to conduct an investigation based on information in their possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

A. All informal complaints shall be in writing. Formal complaints shall set forth the specific acts; conditions or circumstances alleged to have occurred that might constitute harassment, intimidation or bullying. The Superintendent or principal may draft the complaint based on the report of the complainant, for the complainant to review and sign.

B. Regardless of the complainant's interest in filing a formal complaint, the principal may conclude that the district needs to draft a formal complaint based on the information in the officer's possession.

C. The principal shall investigate all formal, written complaints of harassment, intimidation or bullying, and other information in the compliance officer's possession that the officer believes requires further investigation.

D. When the investigation is completed the principal shall compile a full written report of the complaint and the result of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.

E. The superintendent or designee, who is not the building principal, shall respond in writing to the complainant and the accused within thirty days, stating:

1. That the district intends to take corrective action; or
2. That the investigation is incomplete to date and will be continuing; or
3. That the district does not have adequate evidence to conclude that bullying, harassment or intimidation occurred

F. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

Students will be provided with age-appropriate information on the recognition and prevention harassment, intimidation or bullying, and their rights and responsibilities under this and other district policies and rule at student orientation sessions and on other appropriate occasions, which may include parents. Parents shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of harassment, intimidation and bullying.

## PUNISHMENT

Dependent upon the severity of the infraction determined by the building principal, students could be punished up to the maximum allowed by law (two semester suspension)

**PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ or number where you may be contacted

During the hours of \_\_\_\_\_

I wish to register a complaint against:

Name of person, school (give department, program activity, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify your complaint by stating the problem as you see it. Describe the incident, participants, background to the incident, and any attempts you have made to resolve the problem. Please note relevant dates, times and places.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Indicate if there are other people who could provide more information regarding your complaint:

Name Address Telephone Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Solution:

Indicate your opinion on how this problem might be resolved. Be as specific as possible.

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I certify that there is no falsification of the above information and events are accurately depicted to the best of my knowledge.

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Signature of Complainant Date

Please return the original completed form to the school administrator. A copy of this will be provided to the complainant.

*Bullying Policy Revised and Adoped May 10, 2010*