

McIntosh School District	NEPN Code: JFCE
Policy Manual	

BULLYING / HARASSMENT

Bullying and/or harassment of students are not tolerated by the McIntosh School District. The school district 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. Therefore, the school district prohibits any form of harassment or bullying.

The district uses the definition of bullying and harassment as described in SDCL 13-32-15. This statute defines bullying as:

- A pattern of repeated conduct (a single isolated incident does not fit the legal definition).
- An action that causes physical hurt or psychological distress. (There is a causation requirement between the repeated conduct and the resulting hurt or distress on one or more students (only addresses harm or distress of students.) Those may include a non-exclusive list of conduct to include data or computer software.
 1. An action that places a student in reasonable fear of harm to person or property. (The student's fear must be reasonable and must relate to personal or property harm.) And either of the following:
 2. Substantially interfere with student educational performance (minor interference does not meet the legal definition); or
 3. Substantially disrupt the orderly operation of a school (again, minor interference is not addressed, and the orderly operation of the school must be addressed.)

This policy applies to students on school property, while in school owned or operated transportation, and while attending or engaged in school sponsored activities, or while using school equipment.

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.

Retaliation, in any form against a person who has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding is strictly prohibited. An individual who files a false harassment or bullying complaint and any individual giving false statements in an investigation shall be subject to discipline by appropriate measures, as shall the individual who is found to have retaliated against another in violation of this policy. A student found to have retaliated or filed a false complaint in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.

The building principal, dean of students, or principal's designee will be responsible for investigating all complaints by students alleging bullying or harassment. All documentation associated with a complaint shall be maintained by the building principal.

Approved by Board action: 10/13/2010

Revised inclusion of state law 13-32-14 approved by board action: 11/13/2013

ANTI-BULLYING/HARASSMENT 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) : _____

Evidence 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-BULLYING/HARASSMENT 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: ____/____/____

BULLYING/HARASSMENT INVESTIGATION PROCEDURES

Students who feel that they have been bullied or harassed should:

- Communicate to the perpetrator that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the perpetrator, the individual should ask a teacher, counselor, bus driver, dean of students or principal to help.
- If the bullying or harassment does not stop, or the individual does not feel comfortable confronting the perpetrator, 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 perpetrator did;
 - o witnesses to the bullying or harassment;
 - o what the student said or did, either at the time or later;
 - o how the student felt; and
 - o how the perpetrator responded.
 - teachers, counselors, bus drivers or dean of students 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 dean of students 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 incident, including, but not limited to, letters, tapes, or pictures. Information received during the investigation is kept confidential to the extent possible.

The principal, or dean of students 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 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 perpetrator. The alleged perpetrator 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 bullying or 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 dean of student's or 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 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 bullying or 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 perpetrator 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 during the duration of school years.

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.

McIntosh PSD 15-1

Bullying Incident Reporting Form

Name of Alleged Perpetrator: _____

Name of Victim: _____

Name of adult filing report: _____

(Indicate if this is written documentation of an oral report and use this form to guide your questions to the reporter. Use additional pages if needed.)

“Bullying” means any repeated written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to one or more students and which substantially interferes with another student’s or students’ educational benefits, opportunities, or performance.” See full definition in District Policy NEPN Code: JFCE

A desire to hurt

Do you think the alleged perpetrator wanted to hurt the targeted person in some way?
Yes/No

If yes what makes you think so?

In what way(s) did the alleged perpetrator want to hurt the other person?

A Hurtful Action

What actions took place and when? (In describing the action, include possible physical, verbal and indirect actions)

A Power Imbalance

How would you describe the apparent relative power of the alleged perpetrator and victim? (Consider size, strength, age, numbers of supporters present)

Add any factors that may have contributed to the imbalance of power. (Consider: personality characteristics, popularity, social skill and status)

Repetition (typically)

How often has this happened?

Under what conditions has it been happening?

Who, other than the victim, observed the acts of bullying.

An Unjust Use of Power

Were the aggressive actions of the alleged perpetrator to any extent justified? (Consider whether there had been any provocation by the victim or whether there was an acceptable use of authority involved)

Why do you see the action as 'unjust'?

Evident Enjoyment by the Aggressor

How is the aggressor reacting to the situation? (Consider: feels unconcerned, happy or justified in the taking the actions described above)

Is the aggressor experiencing any remorse?

Is the school aware of any negative events that are happening or may be affecting the child's life at this time?

Is there a pattern of this type of behavior for the aggressor? (Consider if he/she is treating some others in the same way)

A Sense of Being Oppressed on the Part of the Victim

How is the victim reacting to the situation? (Consider: unconcerned, nonchalant, acting assertively, fighting back, acting angry, frightened, seeming depressed, self-blaming, complaining, and threatening)

How does the victim perceive what has happened? (Consider: did it seem unfair, unexpected/ expected, provoked in some way, or unprovoked, a onetime occurrence, likely to recur)

What would the victim like to happen now?

What does the victim need in order to feel safe?