

HARASSMENT, INTIMIDATION AND BULLYING

BP 5131.43 (a)

Note: In 2006, HB-482 was passed requiring Districts must have to have in place by July 1, 2007 a policy prohibiting the harassment, intimidation, or bullying of any student. [AS 14.33.200-.250.](#)

The School 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)

Note: Disability-based harassment or bullying may deny a student equal educational opportunities under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA). Harassment or bullying of a student with a disability, on any basis, may also adversely impact the school's provision of FAPE to the student, under the Individuals with Disabilities Education Act (IDEA) and under Section 504. (See Dear Colleague Letter, Office for Civil Rights, October 21, 2014). A school's inappropriate response to bullying or harassment of a student, based on a disability, may constitute a disability-based harassment violation, by the school, under Section 504 and the ADA. Schools should address all harassment and bullying of students with disabilities by taking prompt and effective steps reasonably calculated to end the bullying or harassment, eliminate the hostile environment, prevent it from recurring, investigate if the student's receipt of appropriate services may have been affected by the bullying (if student receives IDEA or Section 504 services) and, as appropriate, remedy its effects.

Students, staff and volunteers are prohibited from engaging in any form of harassment, intimidation, or bullying while on school property, on school buses, at the bus stop, or at school-sponsored activities or functions. ~~In addition, students, staff and volunteers may not engage in reprisal, retaliation, or false accusation against a victim, witness, or person with reliable information about an act of harassment, intimidation or bullying.~~ 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 in-service ~~or~~ and student instruction and counseling. ~~Schools will~~ Teachers shall establish rules which are communicated 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.

(cf. 5141.41 – Professional Boundaries for staff and students)

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

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BP 5131.43 (b)

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

1. physically harms the student or damages the student's property or causes a student to experience a substantially detrimental effect on his or her mental health;
2. has the effect of substantially interfering with the student's education;
3. is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. has the effect of substantially disrupting the orderly operation of the school; ~~or~~
5. ~~there is a power differential between the students involved.~~

(cf. 5145.3 – Nondiscrimination)

~~Hazing is a form of bullying that subjects a 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. 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.~~

(e.f. 5145.3 – Nondiscrimination)

Note: ~~The following optional language is recommended to address "cyberbullying." Technological advances have expanded the ways in which harassment, intimidation, or bullying can occur, including the ability to bully with anonymity and to reach a much broader audience. This language notifies students and staff that cyberbullying is not permitted and will result in disciplinary action.~~

Cyberbullying

All forms of harassment, intimidation or bullying ~~over the network~~ via electronic means, commonly referred to as cyberbullying, are prohibited. Cyberbullying also includes, but is not limited to, other misuses of technology to threaten, harass, intimidate, or cause emotional harm 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.

~~Any use of a personal digital device while on school property, on school buses, at the bus stop, or at school-sponsored activities or functions to engage in cyberbullying will result in discipline under this policy.~~

Students

In situations in which the cyberbullying originated from a private (non-school) computer or conducted on a personal digital or other electronic device off campus, but is brought to the attention of school

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officials, disciplinary measures may be imposed ~~provided the cyberbullying and/or internet threats~~ when the communication:

1. ~~Contain~~ Is of a criminal nature, including but not limited to, threats of violence or harm against staff members, or 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 or threatens to create~~ a significant disruption to the school's educational mission, purpose or objectives.
7. ~~Interferes with the right of a student to be secure.~~

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, ~~when any kind of threat is communicated or when a hate crime is committed, this shall~~ will be reported to local law enforcement officials.

Students and staff who believe they have been the victims of ~~such misuses of technology,~~ 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/Chief School Administrator shall develop procedures to implement this policy.

Response

NORTH SLOPE BOROUGH SCHOOL DISTRICT

Students

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

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1. the development and maturity levels of the parties involved;
2. the level of harm;
3. the surrounding circumstances;
4. past incidences or past continuing patterns of behavior;
5. the relationships between the parties involved;
6. 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 School 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.

(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)

Adopted 01/11

NORTH SLOPE BOROUGH SCHOOL DISTRICT

Students

Revised __/23