

## **HARASSMENT, INTIMIDATION OR BULLYING**

Code **JICFAA** Issued **3/13**

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**Purpose:** To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation or bullying of a student by students, staff and third parties that interfere with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment whether in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the student.

For purposes of this policy, harassment, intimidation or bullying is defined as a gesture, electronic communication, or written, verbal, physical or sexual act reasonably perceived to have the effect of either of the following:

- harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage,
- insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Any student who feels he/she has been subjected to harassment, intimidation or bullying is encouraged to file a complaint in accordance with procedures established by the superintendent. Complaints will be investigated promptly, thoroughly and confidentially. All school employees are required to report alleged violations of this policy to the principal or his/her designee. Reports by students or employees may be made anonymously.

The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation or bullying. The district also prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner. Students and employees have a responsibility to know and respect the policies, rules and regulations of the school and district. Any student or employee who is found to have engaged in the prohibited actions as outlined in this policy will be subject to disciplinary action, up to and including expulsion in the case of a student or termination in the case of an employee. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation.

Students, parents/legal guardians, teachers and staff members should be aware that the district may take disciplinary actions for conduct initiated and/or created off-campus involving the inappropriate use of the Internet or web-based resources if such conduct poses a threat or substantially interferes with or disrupts the work and discipline of the schools, including discipline for student harassment and bullying.

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The superintendent will be responsible for ensuring notice of this policy is provided to students, staff, parents/legal guardians, volunteers and members of the community including its applicability to all areas of the school environment as outlined in this policy.

The superintendent will also ensure that a process is established for discussing the district policy with students.

Adopted 10/3/11; Issued 3/4/13

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### Legal references:

#### A. S.C. Code, 1976, as amended:

1. Section 16-3-510 – Organizations and entities revised.
2. Section 59-19-91 – General powers and duties of school trustees.
3. Section 59-63-210 through 270 – Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.
4. Section 59-63-275 – Student hazing prohibited.
5. Section 59-67-240 – Other duties of bus driver; discipline of students for misconduct.
6. Section 59-63-110, et. seq. – Safe School Climate Act.

#### B. State Board of Education Regulations:

1. R-43-279 – Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

#### C. Court Cases:

1. Purdham v. Fairfax Co. Sch. Bd, 637 F.3d 421, 427 (4<sup>th</sup> Cir. 2011).