

Bullying Policy

The Fargo Public School District (“District”) is committed to providing all students with a safe and civil school environment in which all members are treated with dignity and respect. Bullying of or by a student or employee is against state and federal law and District policy. Bullying behavior is disruptive to the learning environment and impedes the District’s ability to maintain a safe environment for students and employees.

Definitions

The following definitions are to be used for purposes of this policy:

1. *“Bullying”* is defined by N.D.C.C. 15.1-19-17 as:
 - a. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
 - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - (2) Places the student in actual and reasonable fear of harm;
 - (3) Places the student in actual and reasonable fear of damage to property of the student; or
 - (4) Substantially disrupts the orderly operation of the public school; or
 - b. Conduct received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
 - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
 - (2) Places the student in actual and reasonable fear of harm;
 - (3) Places the student in actual and reasonable fear of damage to property of the student; or
 - (4) Substantially disrupts the orderly operation of the public school; or
 - c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property which:
 - (1) Places the student in actual and reasonable fear of:
 - (a) Harm; or
 - (b) Damage to property of the student; and
 - (2) Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.
2. *“Conduct”* includes the use of technology or other electronic media.
3. *“Employee”* includes all employees of the Fargo Public School District, volunteers, and sponsors of school-sanctioned activities.
4. *“School property”* is defined in N.D.C.C. 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-

sponsored event or activity.

5. “*School sanctioned activity*” is defined as an activity that
 - a. Is not part of the District’s curricular or extracurricular program; and
 - b. Is established by a sponsor to serve in the absence of a district program; and
 - c. Receives District support in multiple ways (i.e., not school facility use alone); and
 - d. Sponsors of the activity have agreed to comply with this policy; and
 - e. The District has officially recognized through District action as a school-sanctioned activity.
6. “*School sponsored activity*” is an activity that the District has approved through policy or other District action for inclusion in the District’s extracurricular program and is controlled and funded primarily by the District.

Statutory Prohibitions

While on school property students and employees may not:

1. Engage in bullying; or
2. Engage in reprisal or retaliation against:
 - a. A victim of bullying;
 - b. An individual who witnesses an alleged act of bullying;
 - c. An individual who reports an alleged act of bullying; or
 - d. An individual who provides information about an alleged act of bullying.
3. Knowingly make a false accusation, report, or complaint pertaining to bullying, reprisal, or retaliation.

Reporting Procedure for Alleged Policy Violations

1. *Reporting Options for Students and Community Members*

Students and community members may report known or suspected violations of this policy through the following methods:

- a. Completing an online complaint form; or
- b. Filing an oral complaint with a District employee.

A bullying complaint may be filed anonymously. However, an anonymous complaint may limit the District’s ability to investigate and respond to the alleged violations.

2. *Reporting Requirements for District Employees*

All District employees must be particularly alert to possible situations, circumstances, or events that might include bullying. Any District employee who receives a report of, observes, or has other knowledge or beliefs of conduct that may constitute bullying shall immediately report it by completing an online complaint form. If the alleged violation implicates the building principal, the employee must report the alleged violation to the Chief Human Capital Officer.

If the District determines that an employee knew of or suspected a violation of this policy and failed to report it in accordance with the reporting procedure above, the staff member may be subject to disciplinary action or other corrective measures.

3. *Reporting Considerations*

Bullying may be repeated or, in rare cases, one time exposure to deliberate, negative behavior by one or more individuals. Single incidents and conflicts between two or more individuals do not automatically constitute bullying behavior. In many instances, these behaviors can be categorized as mean, rude or peer conflict, which may be violations of other District policies. The District's investigation into the alleged behavior will determine whether the conduct meets the statutory definition of bullying. If the misconduct does not meet the statutory definition of bullying, the District may address the conduct under a different policy including Administrative Policy 6310 – Student Behavior, Discipline, and Reporting or Administrative Policy 5255 – Staff Conduct.

Supportive Measures

The District will offer and implement appropriate and reasonable supportive measures to the victim upon receipt of a complaint. Supportive measures are individualized support offered as appropriate and as reasonably available. The purpose of supportive measures is to restore or preserve access to the District's educational programs and activities, including measures designed to protect the safety of the Parties and the District's educational environment and to deter bullying or retaliation.

Supportive measures will be developed on a case-by-case basis and may be amended based on the totality of the circumstances upon the completion of an investigation substantiating a policy violation. The District will maintain the confidentiality of supportive measures provided that confidentiality does not impair the District's ability to provide the supportive measures. Supportive measures may include, but not be limited to, the following:

- Referral to counseling services
- Referral to the Employee Assistance Program
- Implementation of no contact orders between the Parties
- Modification of the classroom seating assignments

A violation of a no contact order issued as a supportive measure pursuant to this policy may be addressed under a different policy including Administrative Policy 6310 – Student Behavior, Discipline, and Reporting or Administrative Policy 5255 – Staff

Investigation Procedures

The District has an obligation to investigate violations of this policy when in receipt of actual notice of an alleged policy violation. Actual notice of an alleged violation occurs when alleged bullying, reprisal, retaliation, or false reporting is reported. Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected status, whether actual or perceived. Reports involving protected status must be investigated in accordance with Administrative Policy 4060/5060/6060 or Administrative Policy or Administrative Policy 5050/6050.

In all other cases, the designated administrator shall immediately undertake or authorize an investigation. In any case where there is a potential conflict of interest or bias, the designated administrator shall contact the Chief Human Capital Officer. Unless the complaint is regarding the Chief Human Capital Officer, the Chief Human Capital Officer, in their sole discretion, may assign a new investigator at any time.

The depth of the investigation will be based on numerous factors including the age of the parties involved; the nature of the allegations; the details, content, and context of the report. The investigation may also include the following steps or any other steps the designated administrator deems necessary:

1. Identification and collection of evidence, if available and accessible
2. Interviews with the complainant, the victim, and the accused. *At no time during the investigation will the victim be required to meet with the accused.*
3. Interviews with any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged complaint. *Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses shall be instructed not to discuss this matter with others.*
4. A review of any mitigating or extenuating circumstances.

Upon completion of the investigation, the designated administrator shall complete a written report containing a detailed description of their findings. The designated administrator must also make a determination as to whether the allegations were substantiated, whether the bullying policy was violated, and/or whether any other District policies were violated. Investigations must be completed within 60 days unless the designated administrator documents good cause for extending the deadline. Such documentation must be sent to the victim and the accused during the investigation.

Disciplinary Action

If the report against a student for bullying is substantiated, the building principal shall determine the appropriate disciplinary action. Parents shall be notified consistent with policies dealing with discipline and due process procedures. Disciplinary action shall be based on the totality of the circumstances and in accordance with the District Code of Character, Conduct, and Support. If the bullying report is unsubstantiated but another policy violation is identified, the building principal shall determine the appropriate level of discipline based on the applicable policy.

Disciplinary actions against students are protected student information pursuant to the Family Educational Rights and Privacy Act (“FERPA”) and only available to the parent and guardian of the student who is the subject of the discipline; disciplinary actions will not be provided to the complainant or victim.

If the accused is a District employee and the report is substantiated, the District shall take appropriate disciplinary action up to and including discharge for cause.

Reporting to Law Enforcement and Other Forms of Redress

Anytime there is reasonable suspicion that a bullying incident constituted a crime, District must report the alleged conduct to law enforcement. Nothing in this policy prevents a victim or their family from seeking redress under state and federal law.

Prevention

It is important that all students and employees understand what constitutes bullying or retaliation and their right to report unwelcome behavior. Building Principals, or their designee, should educate those within their building regarding this policy and should be watchful for behavior, which fits the description of bullying or retaliation.

Document Retention

All reports and documentation related to the investigation will be stored electronically by the District.

Established 2002
 Reviewed 2009
 Revised 6/2012
 Revised 8/2012
 Revised 2/2015
 Revised 7/2015
 Revised 12/2015
 Revised 8/2019
 Revised 8/2022
 Revised 8/2023
 Revised 6/2025