

BULLYING

po5517.01

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5517.01 - BULLYING

The School Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying behavior toward a student, whether by other students, staff, or third parties is strictly prohibited and shall not be tolerated. At all times, the safety of the victim of bullying shall be a priority. This prohibition includes physical, verbal, and psychological abuse as provided herein. The Board shall not tolerate any gestures, comments, threats, or actions that cause or threaten to cause bodily harm or personal degradation. Engaging in 'cyberbullying,' which is bullying that occurs through the use of data or computer software that is accessed through a computer, computer system, computer network, or cellular telephone or other wireless or cellular communication device also is prohibited. This policy applies when a student is on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; traveling to or from school or a school activity, function, or event; or, using property or equipment provided by the school. Additionally, this policy applies regardless of the physical location when:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within the School Corporation; and
- B. the bullying behavior results in a substantial interference with school discipline or an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Bullying as defined in State law means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other targeted student and create for the targeted student an objectively hostile school environment that:

- A. places the targeted student in reasonable fear of harm to the targeted student's person or property;
- B. has a substantially detrimental effect on the targeted student's physical or mental health;
- C. has the effect of substantially interfering with the targeted student's academic performance; or
- D. has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

This type of behavior is a form of harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It includes but is not limited to such behaviors as stalking, intimidation, menacing behavior, coercion, name-calling, taunting, making threats, and hazing. It also includes the use of digital or electronic communications to engage in such behaviors.

However, Indiana law exempts the following from the definition of 'bullying':

- A. Participating in a religious event.
- B. Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.
- C. Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both.
- D. Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.
- E. Participating in an activity undertaken at the prior written direction of the student's parent.
- F. Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

Any student who believes they have been or are currently the victim of bullying shall immediately report the situation to the building principal or assistant principal or the Superintendent. The student also may report concerns to a teacher or counselor who shall be responsible for notifying the appropriate administrator or Board official. This report may be made anonymously. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board President. A parent may file a complaint on behalf of a student in the same manner.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above. Staff members who fail to report bullying or who fail to conduct an investigation when assigned that duty are subject to disciplinary action, up to and including discharge.

All complaints about bullying behavior that may violate this policy shall be investigated promptly and documented according to the timeline established by the Superintendent's administrative guidelines. At all times, the safety of the victim of bullying shall be a priority. Bullying incidents shall be reported to the parents of both the targeted student and the alleged perpetrator in an expedited manner, that is before the end of the next instructional day, by the Principal, Assistant Principal or Superintendent to whom the bullying incident initially was reported or by their designee.

If, during an investigation of reported acts of bullying and/or harassment, the investigator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the investigator shall report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 – Anti-Harassment or Policy 2266 - Discrimination on the Basis of Sex in Education Programs or Activities, as applicable.

If the investigator finds an instance of bullying behavior has occurred, prompt and appropriate action or responses shall be taken to address the bullying behavior wherever it occurs including, as appropriate, disciplinary action, up to and including expulsion for students, discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Bullying acts shall be reported to law enforcement officials immediately upon determining that a report to law enforcement is necessary.

The parents of the targeted student and the alleged perpetrator shall be notified of the alleged bullying incident at the beginning of the investigation (before the end of the next instructional day), the findings of the investigation at the conclusion of the investigation (before the end of the next instructional day after the conclusion of the investigation), and, as appropriate, any remedial action that has been or shall be taken to the extent disclosure is permitted by law. In addition to discipline, remedial action may include support services for the targeted student and bullying education for the alleged perpetrator, among other actions.

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and shall not be tolerated. Such retaliation shall be considered a serious violation of Board policy, and independent of whether a complaint is substantiated. Suspected retaliation shall be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble similarly is prohibited and shall not be tolerated. Retaliation and making intentionally false reports may result in disciplinary action as indicated above.

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516 - Student Hazing.

The Corporation shall maintain a link on its internet website to the internet website resource page maintained by the Indiana Department of Education that provides parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying.

Remedial Action

Follow-up services shall be provided during or after the investigation which include support services for the victim and bullying education for the alleged perpetrator.

Confidentiality

To the extent appropriate and/or legally permitted, confidentiality shall be maintained during the investigation process. However, in some circumstances, a proper investigation shall require the disclosure of names and allegations.

Discipline Rules

As required by State law, the Superintendent shall require that any discipline rules adopted by the Corporation's schools shall prohibit bullying and include:

- A. provisions concerning education, parental involvement, and intervention;
- B. a detailed procedure for the expedited investigation of incidents of bullying that includes:
 - 1. appropriate responses to bullying behaviors, wherever the behaviors occur;
 - 2. provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
 - 3. provisions that require a school to prioritize the safety of the victim;
 - 4. timetables for reporting the conclusion of a bullying investigation to the parents of both the targeted student and the alleged perpetrator in an expedited manner that is before the end of the next instructional day after the conclusion of the investigation;
 - 5. timetables for reporting of bullying incidents to school counselors, school administrators, the Superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
 - 6. discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident;
 - 7. discipline provisions for false reporting of bullying; and
 - 8. provisions to make a reasonable attempt to notify both the parent of a targeted student and the parent of an alleged perpetrator that the school is investigating a possible incident of bullying or similar misconduct before the end of the next instructional day after the school becomes aware of the possible incident; and
- C. a detailed procedure outlining the use of follow-up services that includes:
 - 1. support services for the victim; and
 - 2. bullying education for the alleged perpetrator.

The discipline rules shall be applied regardless of the physical location in which the bullying behavior occurred, whenever:

- A. the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within the Corporation; and
- B. disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

The discipline rules shall prohibit bullying through the use of data or computer software that is accessed through a:

- A. computer;
- B. computer system;
- C. computer network; or
- D. cellular telephone or other wireless or cellular communications device.

The discipline rules shall include policies to allow a parent of a child in the Corporation to review any materials used in any bullying prevention or suicide prevention program.

Pursuant to I.C. 20-33-8-13.5, this section may not be construed to give rise to a cause of action against a person or the Corporation based on an allegation of noncompliance with this section. Likewise, noncompliance with this section may not be used as evidence against the Corporation in a cause of action.

Each school in the Corporation shall document acts of bullying and abusive behaviors:

- A. against a victim; and
- B. committed by a verified perpetrator.

Pursuant to I.C. 20-33-8-13.5, a record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under I.C. 5-14-3.

Documentation

The Corporation shall document acts of bullying and abusive behaviors against a victim that are committed by a verified perpetrator.

Parent Access to Materials

The parent of a child attending a school in the corporation shall be allowed to review any materials used in any bullying prevention or suicide prevention program.

Safe School Committee

In accordance with State law, there shall be a Safe School Committee in each school within this Corporation (see Policy 8400 - School Safety).

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established by the Superintendent shall be followed.

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Legal

I.C. 5-2-10.1

I.C. 20-20-8-8

I.C. 20-30-5-5.5

I.C. 20-33-8-0.2

I.C. 20-33-8-13.5

I.C. 20-33-8-35

I.C. 20-34-6-1