Book	Policy Manual
Section	200 Pupils
Title	Prohibition Against Bullying/Harassment
Code	215
Status	Active
Adopted	November 21, 2006
Last Revised	~~June 26, 2024~~ December 2026
~~Last Reviewed~~	~~May 13, 2024~~
Prior Revised Dates	06/26/2024, 03/24/2021

Purpose

The Board of Education is committed to providing all students and employees with the right to a safe, positive and civil educational environment, free from harassment and/or bullying. The Board recognizes that bullying, cyberbullying and harassment create an atmosphere of fear and intimidation, detract from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, it shall be the policy of the District to maintain an educational environment in which bullying and harassment in any form is neither tolerated nor permitted.

The Board recognizes that some conduct that qualifies as bullying may also trigger responsibilities under one or more federal anti-discrimination laws. Peer harassment on the basis of race, color, age, creed, religion, gender (including gender identity or expression), sexual orientation, ancestry, national origin, marital status, pregnancy or disability is specifically prohibited.

Definitions

Artificial Intelligence-Generated or Modified Media means text, code, images, audio or video data that has been created or modified from its original source data through the use of artificial intelligence technology, programs or platforms. [1]

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in and outside of a school setting, that is severe, persistent or pervasive and has the intent or effect of:[1]

1. Creating an intimidating or hostile environment that substantially interferes with a student's education; or
2. Physically, emotionally or mentally harming a student; or
3. Placing a student in reasonable fear of physical or emotional harm; or
4. Placing a student in reasonable fear of damage to or loss of personal property.

~~**Bullying**, as defined in this policy, includes cyber-bullying.~~

Cyberbullying means bullying through the use of electronic technology or communication, including data, computer software or online platforms regardless of their origin, using a device, system network, internet service, email, social media or other digital means, including artificial intelligence-generated or modified media. Cyberbullying includes bullying conduct which occurs in and outside of a school setting.[1]

This Policy recognizes that bullying may involve an observed or perceived power imbalance. A **power imbalance** occurs when the aggressive party has either the perception or reality of being more dominant in some manner.

School setting means in the school, on school grounds, during any transportation to or from school including but not limited to in school buses or vehicles, at a designated school bus stop, on public transportation, walking to and from bus stops, and waiting at any bus stop for transportation to and from school or a school activity, ~~time traveling to and from school,~~ or any activity sponsored, supervised or sanctioned by the school, including the transportation to and from the activity.[1]

Harassment is a form of discrimination based on the protected classifications listed in this policy consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when such conduct is:

1. Sufficiently severe, persistent or pervasive; and

2. A reasonable person in the complainant's position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the services, activities or opportunities offered by a school.

Gender-based harassment may include acts of verbal, nonverbal, or physical aggression intimidation, or hostility based on sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination. Gender-based harassment can rise to a violation of District policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment).

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following:[2]

1. A District employee conditioning the provision of an aid, benefit, or District service on an individual's participation in unwelcome sexual conduct, commonly referred to as *quid pro quo sexual harassment*.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a District education program or activity.

3. Sexual assault, dating violence, domestic violence or stalking.

    a. ***Dating violence*** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of

such a relationship is determined by the following factors:[3]

i. Length of relationship.

ii. Type of relationship.

iii. Frequency of interaction between the persons involved in the relationship.

b. ***Domestic violence*** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving federal funding, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.[3]

c. ***Sexual assault*** means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[4]

d. ***Stalking***, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:[3]

i. Fear for their safety or the safety of others.

ii. Suffer substantial emotional distress.

Such conduct must have taken place during a District education program or activity and against a person in the United States to qualify as sexual harassment under Title IX. An **education program or activity** includes the locations, events or circumstances over which the District exercises substantial control over both the respondent and the context in which the harassment occurs. Title IX applies to all of a District's education programs or activities, whether such programs or activities occur on-campus or off-campus.[2][5][6]

Authority

The Board prohibits all forms of bullying, cyberbullying and harassment of students and third parties by all District students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools.[1][7][8][9]

This Policy shall be posted in a prominent location within each school building, accessible in every classroom, and published on the District's website and individual school's website. [1]

The Board encourages students and third parties who have knowledge of suspected bullying, cyberbullying or harassment to promptly report such incidents to designated employees.

Investigation

The Board directs that complaints of bullying, cyberbullying and/or harassment shall be investigated promptly, and corrective action shall be taken when allegations are substantiated.
The Board further directs that complaints of bullying, cyberbullying and/or harassment brought pursuant this policy to also be reviewed for conduct which may not be proven to be bullying, cyberbullying and/or harassment under this policy but merits review and possible action under other District policies. [1]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with this policy and the District's legal and investigative obligations.

Retaliation

The Board prohibits retaliation against any person for making a report of bullying, cyberbullying and/or harassment, or participating in a related investigation or hearing, or opposing practices the person reasonably believes to be a violation of this policy. A complaint of retaliation shall be handled in the same manner as a complaint of bullying, cyberbullying and/-or harassment under this policy.

Title IX

The District has an obligation under Title IX of the Education Amendments of 1972 to provide a prompt, equitable resolution to complaints of sex discrimination, including sexual harassment.

Title IX prohibits retaliation against any individual who makes a complaint of discrimination either on ~~his/her~~their own behalf or on behalf of another, or who testifies or otherwise participates in any manner in the investigation or proceedings resulting from a complaint of discrimination. School officials shall take steps to prevent retaliation and will also take strong responsive action if retaliation occurs.

Delegation of Responsibility

Bullying and Cyberbullying

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying and cyberbullying.

The Superintendent or designee shall develop administrative regulations to support this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students. [1]

The Superintendent shall promulgate rules and regulations which prohibit bullying and cyberbullying in accordance with Board policies and written procedures, and which:[1]

1. Ensure compliance with mandatory bullying and cyberbullying incident reporting requirements;
2. Include complaint/investigation procedures; and
3. Ensure compliance with mandatory annual notification and posting of the District's bullying, cyberbullying and/or harassment policy.

The Superintendent, and other appropriate administrators, shall review the District's bullying, cyberbullying and/or harassment policy and administrative rules and regulations every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the school safety and security incident report: [1][2]

1. The District Prohibition Against Bullying/Cyberbullying and/or Harassment Policy.
2. A report of the bullying and cyberbullying incidents.
3. Information on the development an implementation of any bullying and cyberbullying prevention, intervention or education programs.

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, District staff shall report the student to the threat assessment team, in accordance with applicable law and School Board Policy.

GUIDELINES

Reports of bullying or cyberbullying may be made orally or in writing and may be anonymous, except where made by District staff. Students are encouraged to use the District's reporting form attached to this Policy, or to submit a written compliant; however, oral complaints will be accepted, documented and investigated.

Any individual receiving a complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor any person involved.

District staff who observe bullying, cyberbullying or receive a report of bullying/cyberbullying shall not conduct an independent investigation but shall take appropriate action to protect the safety of involved students and promptly provide a summary of the observed or reported conduct to the building principal or designee.

For purposes of this policy, a reporter is an individual, other than district staff, who reports alleged bullying/cyberbullying directed at one or more students. A complainant is the alleged victim or target of the conduct. In some circumstances, the same individual may serve as both reporter and complainant.

The building principal or designee shall encourage the complainant or reporter to complete the district's designated report form. If, due to age, disability or other incapacity, the complainant or reporter is unable to complete the form, the building principal or designee shall document the report and complete the form on the individual's behalf. IF the report is made by someone other than the complainant, the complainant shall be notified promptly, informed of the report, and encouraged to complete the district reporting form.

As soon as practicable after the receipt of a report of bullying or cyberbullying, the district shall notify the parent(s)/guardian(s) of any student involved in the incident.

If the complainant, district staff, or other professionals with knowledge of the complainant's health and well-being indicate that notifying a parent/guardian could place the complainant or another person at risk of abuse, neglect or other imminent harm, the building principal, in consultation with the Superintendent and district solicitor, and as appropriate, law enforcement, child welfare authorities and other qualified professionals, may determine whether parental notification should be delayed as

permitted by law. The basis for the delay must be documented, and the parent/guardian notification shall occur as soon as legally and safely practicable. [3][4].

Every report of bullying/cyberbullying shall be reviewed and investigated promptly and sufficiently to address the alleged misconduct, even if the report is anonymous or the complainant request that no action be taken.

Threat Assessment

When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community, or others, district staff shall make a referral to the building threat assessment team in accordance with applicable law and District policy. [5][6]

~~Cyberbullying and Acts that Occur in Nonschool Settings~~

~~Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.~~

~~This policy shall be interpreted to prohibit cyberbullying which may wholly or partially occur outside the school setting, and which meets the above-referenced criteria regarding the act's nexus to the school setting or the education of any District student. Electronic acts which may occur on social media, blogs, Facebook, Twitter, Instagram, Snapchat, Musical.ly, YouTube, and other similar Internet sites which may be created, can result in a violation of the within District policy.~~

~~Bullying or cyberbullying shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.~~

Harassment

Each student shall be responsible to respect the rights of their fellow students and District employees and to ensure an atmosphere free from all forms of harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of harassment.

The administration shall be responsible to provide training for students and employees regarding all aspects of harassment.

In order to maintain an educational environment that discourages and prohibits harassment on the basis of race, color, age, creed, religion, gender (including gender identity or expression), sexual orientation, ancestry, national origin, marital status, pregnancy or disability, the Board designates the Superintendent or designee as the District's Compliance Officer for Bullying/Harassment.

The Compliance Officer shall promulgate rules and regulations which ensure compliance with this policy, and shall include definitions of relevant terms and set forth complaint/investigative procedures to address claims of harassment.

Complaint/investigation procedures shall apply to complaints filed by students or on their behalf alleging harassment carried out by employees, other students, or third parties.

The Compliance Officer shall publish and disseminate this policy and corresponding administrative regulations, including the complaint procedure, at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

Discrimination/Harassment

If, at the time of the report or at any time during the investigation of the alleged bullying/cyberbullying, there is reason to believe that the conduct may fall within the provisions of the District's discrimination/harassment policies, the Title IX Coordinator must be promptly notified. Upon notification, the Title IX Coordinator will immediately initiate steps to comply with appropriate policies and procedures. The investigation will be handled as a joint and concurrent investigation to address all applicable allegations and legal requirements. [7][8]

Investigation Procedures

After determining that the matter does not require handling under Policy 102, the building principal shall determine whether the investigation may be conducted by the principal or designee or whether the matter must be referred to the Superintendent or another appropriate administrator.

If law enforcement has been notified, a law enforcement report has been filed, or substantiated allegations could result in expulsion, the building principal shall consult with eth Superintendent or appropriate administrator, who may seek advice from legal counsel.

Investigations shall be timely, impartial, thorough and comprehensive. The investigation may include:

1. Interviewing the complainant.
2. Interviewing the individual(s) accused of the conduct.
3. Interviewing witnesses.
4. Reviewing physical, electronic or documentary evidence.
5. Reviewing any other relevant information provided during the investigation.
6. Conducting any additional inquiry reasonably necessary to determine the facts and address proven misconduct.

Investigative Findings

The investigator shall prepare findings that summarize the investigation, determine whether the allegations have been substantiated, identify any violation of Board policy or applicable law, and recommend appropriate corrective action.

As soon as practicable after determining that an incident of bullying or cyberbullying has occurred, the District shall notify the parent(s)/guardian(s) of any student involved in the incident of the determination of the investigation.

The complainant/reporter and the accused shall be informed of the outcome of the investigation within a reasonable period of time, consistent with the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be informed of any individual remedies provided to the complainant. [9]

District Response and Corrective Action

If an investigation results in a finding that bullying or cyberbullying or other misconduct occurred, the District shall take prompt and appropriate corrective action designed to stop the conduct, prevent its recurrence, protect affected students, eliminate any hostile or disruptive environment, and prevent retaliation. [1]

If an investigation reveals violations of other Board policies or circumstances requiring additional review, referral, discipline or intervention, the District shall address those matters through the appropriate disciplinary, administrative or support processes.

Any disciplinary action imposed shall be consistent with the Code of Conduct, Board policies and administrative regulations, applicable collective bargaining agreements, state and federal law.

School Safety and Security Incidents Report

Annually, by July 31, the Superintendent shall report on the designated form, to the PA Department of Education (PDE), all new incidents as required by state law. The report must include the total number of bullying and cyberbullying incidents that occurred during the school year, including the number of cyberbullying incidents suspected to involve artificial intelligence-generated or modified media. [2][14]

Legal
1. 24 P.S. 1303.1-A
2. 34 CFR 106.30
3. 34 U.S.C. 12291
4. 20 U.S.C. 1092
5. 34 CFR 106.44
6. 34 CFR 106.45
7. 20 U.S.C. 1681
8. 29 CFR 1606.8
9. 43 P.S. 951 et seq
24 P.S. 1302-A
22 PA Code 12.3
20 U.S.C. 7118
29 CFR 1604.11
Pol. 102
Pol. 102.1
Pol. 212
Pol. 212.1
Pol. 218
Pol. 223