

Miller School District Bullying Policy -----Regulations

I. Definitions

A. **“Bullying”** means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, or wrongful and intentional accusations by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause distress or humiliation; or unreasonably interfere with the individual’s school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

B. **“Harassment”** means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

- places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
- has the effect of substantially interfering with a student’s educational performance, or employee’s work performance, or either’s opportunities, or benefits;
- has the effect of substantially negatively impacting a student’s or employee’s emotional or mental well-being; or
- has the effect of substantially disrupting the orderly operation of a school.

C. **“Cyberstalking”** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

D. **“Cyberbullying”** is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social websites (e.g., MySpace, Facebook), chat rooms, and instant messaging.

E. **“Bullying”**, **“Cyberbullying”**, and/or **“Harassment”** also encompass:

- * retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
- retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
- perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a. incitement or coercion;
 - b. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system; or
 - c. acting in a manner that has an effect substantially similar to the effect of

bullying, harassment, or discrimination.

F. “**Bullying**,” “**Cyberbullying**,” “**Harassment**,” and “**Discrimination**” (hereinafter referred to as bullying, as defined in Section A, for the purpose of this Policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school leased/owned vehicle, and at training facilities or training programs sponsored by the District.

II. Expectations: The Miller School District expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

A. The Miller School District prohibits the bullying of any student or school employee:

- during any educational program or activity conducted by the Miller School District;
- during any school-related or school-sponsored program or activity or on a Miller School District owned/leased vehicle;
- through the use of any electronic device or data while on school grounds or on a Miller School District owned/leased vehicle, computer software that is accessed through a computer, computer system, or computer network of the Miller School District. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.
- through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on a Miller School District owned/leased vehicle.
- while the District does not assume any liability for incidences that occur at a bus stop or in route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate.

III. Disciplinary sanctions (consequences) and due processes for a person who commits an act of bullying under this policy.

A. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator’s position within the District.

- Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension and or expulsion.
- Consequences and appropriate interventions for a school/district employee found to have committed an act of bullying will be instituted in accordance with District policies, procedures, and agreements.
- Consequences and appropriate intervention for a visitor or volunteer, found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
- These same actions will apply to persons, whether they be students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.

IV. Reporting an act of bullying

A. All District faculty and staff will report any allegations, that can't be resolved by the informal branch of the Bullying Policy Flow Chart, to the building principal/designee.

B. Any other members of the school community who have credible information that an act of bullying has taken place may file a report of bullying, whether a victim or witness.

C. Any student (and/or the parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any student who has knowledge of any incident(s) involving bullying of students) is strongly encouraged to report the incident(s) in writing to a school official.

Complaints should be filed as soon as possible after the alleged incident and noted on the specified data system, but must be filed within twenty (20) school days after the alleged incident (i.e., within 20 school days of the last act of alleged bullying). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.

D. Anonymous reports may be made utilizing the Miller Public Schools Anonymous Bullying Report Form. This reporting form can be found on the School's Website or in the Administrative offices. Formal disciplinary action may not be based solely on the basis of an anonymous report.

V. Bullying Complaints and Resolution

A. The investigation of a reported act of bullying of a student, school-based employee, or other persons providing service to the school is deemed to be a school-related activity and begins with a report of such an act.

B. The principal/designee shall document formal complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner.

Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999).

C. If the complaint is about the principal or an area/district's staff member's direct supervisor, then the Area Superintendent/Designee or appropriate district administrator

shall be asked to address the complaint.

D. Mutual Resolution - where the administrator, along with the complainant and the accused/student, may agree to informally resolve the complaint. The incident and the resolution must be documented on the appropriate data system.

- If a mutual resolution has not been achieved, a formal written letter of appeal must be filed within five (5) work days after the mediation process and submitted to the

principal or appropriate area/district supervisor.

E. Formal Resolution - the complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee or appropriate area/district administrator by utilizing the Miller Public Schools Bullying Complaint Report Form. Said form is available on the School District's website, as well as in the Principal's Office.

- According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.

F. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the district specified data system.

VII. Investigation requirements for reported acts of bullying under this policy

A. The procedures for investigating school-based bullying may include the principal/designee in the case of student to student bullying. For incidents at the area/district level, the appropriate administrator will be responsible for the investigation as outlined in this policy.

B. The investigator may not be the accused or the alleged victim.

C. The principal/designee or appropriate area/district administrator shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within two (2) school days of receiving a written complaint.

D. During the investigation, the principal/designee or appropriate area/district administrator may take any action necessary to protect the complainant, other students or employees consistent with the requirements of applicable regulations and statutes.

- In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.
- When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate area/district administrator also may discuss the complaint with any school district employee, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
- During the investigation where an employee is the accused, the principal/designee may recommend to the Superintendent any action necessary to protect the complainant, or other students or employees, consistent with the requirements of applicable statutes, State Board of

Education Rules, School Board Policies, and collective bargaining agreements.

E. Within ten (10) school days of the filing of the written complaint, there shall be a written decision by the Principal/Designee or appropriate area/district administrator regarding the completion of the investigation. The principal/designee shall make a decision about the validity of the allegations in the written complaint and about any corrective action, if applicable, consistent with school policies.

F. The Principal/Designee or appropriate area/district administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems.

G. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

VIII. Referral for Intervention

A. Referral of school or area/district personnel for appropriate services as determined by the Superintendent.

B. School-based intervention and assistance for students may include, but is not limited to:

- counseling and support to address the needs of the victims of bullying
- counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management).
- intervention which includes assistance and support provided to parents.
- analysis and evaluation of school culture with resulting recommendations for interventions aimed at increasing peer ownership and support.

C. Self referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school counselor, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/designee.

D. Any investigations and interventions shall be recorded and filed.

IX. Process for referral for external investigation

A. If the act is outside the scope of the District, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified data system.

B. While the District does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate.