

## **Students**

### **HARASSMENT, INTIMIDATION AND BULLYING**

The Board is dedicated to providing a safe and civil environment that optimizes learning. Harassment, intimidation, and bullying (including cyberbullying) disrupt a student's ability to learn and a school's ability to educate. Bullying may also impact the school's climate and the ability to learning of potentially large groups of students.

(cf. [5137 – Positive School Climate](#))

This policy recognizes that “harassment,” “intimidation,” “cyberbullying” and “bullying” are separate but related behaviors each of which must be addressed appropriately and each of which can take on many forms. The District will not tolerate harassment, intimidation, bullying, cyberbullying, retaliation or related adverse conduct. All such conduct by students, employees, volunteers, and third parties is strictly prohibited. The scope of this policy includes the prohibition of **every** form of bullying, harassment and intimidation, whether in the classroom, on school premises, immediately adjacent to school premises, when a student is traveling to or from school (portal to portal), or at a school sponsored event, whether or not held on school premises. Bullying, harassment and intimidation that is not initiated at a location defined herein is covered by this policy if the incident results in a potentially material or substantial disruption of the school learning environment for one or more students and/or the orderly day-to-day operations of any school or school program.

Harassment, intimidation or bullying motivated by any protected-class status is considered discrimination if it:

1. Is so severe or pervasive that it denies or limits the provision of educational, benefits, services, or treatment; and/or
2. Has the purpose or effect of:
  - a. Substantially interfering with a student’s educational environment;
  - b. Creating an intimidating, hostile, or offensive educational environment;
  - c. Depriving a student of educational aid, benefits, services, or treatment; or
  - d. Making submission to or rejection of such conduct the basis for academic decisions affecting the student or making such conduct a condition of a student’s ability to participate in the student’s education.

Since bystander support of bullying, intimidation and harassment can encourage these behaviors, the District prohibits both active and passive support for acts of harassment, intimidation and bullying. Students, and staff and anyone utilizing school property shall not tolerate or engage in ~~are prohibited from engaging in~~ any form of harassment, intimidation, cyberbullying or bullying while on school property, on school buses, at a bus stop, or at school-sponsored activities or functions. ~~Students who engage in an act of bullying are subject to appropriate interventions and disciplinary action, up to and including suspension or expulsion. Staff who engage in an act of bullying are also subject to appropriate disciplinary action up to and including suspension and termination.~~

~~To promote an environment free of harassment, intimidation, or bullying, the principal shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, soliciting site council, parent, community input and providing staff inservice, parent education and student instruction and counseling. Teachers shall discuss this policy with their students in age appropriate ways and assure students that they need not endure any form of harassment, intimidation, or bullying.~~

~~(cf. **5131.41 – Violent and Aggressive Conduct**)~~

~~(cf. **5131.5 – Vandalism, Theft and Graffiti**)~~

~~(cf. **5144 – Discipline**)~~

~~(cf. **5144.1 – Suspension and Expulsion**)~~

## **Definitions**

“Cyberbullying” is the use of electronic information and communication devices to willfully and repeatedly harm a person or persons through the medium of electronic text, photos, or videos. Examples of this behavior include, but are not limited to:

- Sending false, cruel, and/or vicious messages;
- Creating websites that have stories, cartoons, pictures, or jokes ridiculing others;
- Breaking into an email account and sending vicious or embarrassing materials to others;
- Engaging someone in electronic communication, tricking that person into revealing sensitive personal information and forwarding that information to others;
- Posting of a student picture without permission.

Harassment, intimidation, or bullying means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons and:

- a. Have the effect of:
  - 1. Physically harming a person or damaging the property of a person; or
  - 2. Placing a person in reasonable fear of physical harm to the person or damage to the property of the person; or
- b. Interferes with the rights of a person by:
  - 1. Creating an intimidating or hostile educational environment for the person; or
  - 2. Substantially interferes with the academic performance of a student or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or
- c. Are acts or conduct described in paragraph (a) or (b) and are based upon the
  - 1. Actual or perceived age, race, color, national origin, ethnicity, ancestry, religion, gender identity or expression, sexual orientation, physical attributes, physical or mental disability of a person, sex, or any other distinguishing characteristic or background of a person; or
  - 2. Association of a person with another person having one or more of those actual or perceived characteristics.

The terms bullying, cyberbullying harassment, and intimidation, include, without limitation:

- a. Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived age, race, color, national origin, ethnicity, ancestry, religion, gender identity or expression, sexual orientation, physical attributes, physical or mental disability of a person, sex, or any other distinguishing characteristic or background of a person;
- b. Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;
- c. Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing, or disrespectful gestures;
- d. Threats of harm to a person, to his or her possessions, or to other persons, whether such threats are transmitted verbally, electronically, or in writing;
- e. Blackmail, extortion, or demands for protection money or involuntary loans or donations;
- f. Blocking access to any property or facility of a school;
- g. Stalking; and
- h. Physical harmful contact with or without injury to another person or his or her property.

~~an intentional act, whether written, oral, electronic or physical, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and~~

- ~~1. physically harms the student or damages the student's property; or~~
- ~~2. has the effect of substantially interfering with the student's education; or~~
- ~~3. is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or~~
- ~~4. has the effect of substantially disrupting the orderly operation of the school.~~

(cf. [5145.3 – Nondiscrimination](#))

(cf. [5145.7 – Sexual Harassment](#))

(cf. [4119.12 – Harassment](#))

### **Cyberbullying**

Cyberbullying creates a hostile, disruptive environment and is a violation of a student's right to be safe and secure. Cyberbullying will not be tolerated.

The online activities and technologies often used by students engaged in Cyberbullying include, but are not limited to, social networking sites, chatrooms and discussion groups, instant messaging, text messaging, computers, cell phones and personal digital devices, digital cameras, cell phone cameras, and web cams. As new technologies emerge, they too may be included as forms of electronic communication.

An individual who redistributes a cyberbullying communication can be found in violation of this policy, even if the individual did not author or create the original communication or image.

~~All forms of harassment, intimidation or bullying via electronic means, commonly referred to as cyberbullying, are prohibited. Cyberbullying also includes, but is not limited to, other misuses of technology to threaten, harass, intimidate, or bully, including sending or posting inappropriate email messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs. An individual who redistributes a cyberbullying communication can be found in violation of this policy, even if the individual did not author or create the original communication or image.~~

~~The District's computer network, including access to the Internet via that network, whether accessed on campus or off campus, during or after school hours, may not be used for the purpose of harassment, intimidation, or bullying. Users are responsible for the appropriateness of the material they transmit over the system.~~

~~In situations in which the cyberbullying originates from a private (non-school) computer or other electronic device, but is brought to the attention of school officials, disciplinary measures may be imposed when the communication:~~

- ~~1. Contains threats of violence or harm against staff members, students, or their property;~~
- ~~2. Suggests or advocates physical harm to staff members or students;~~
- ~~3. Causes a student or staff member to experience a substantially detrimental effect on his or her physical or mental health;~~
- ~~4. Causes a student or staff member to experience substantial interference with academic or work performance, or with his or her ability to participate in or benefit from District services or activities;~~
- ~~5. Threatens vandalism to school property; or~~
- ~~6. Creates a significant disruption to the school's educational mission, purpose or objectives.~~

~~Disciplinary action will include appropriate interventions, and also may include, but is not limited to, the loss of computer privileges, detention, suspension, or expulsion for those committing acts of cyberbullying. In addition, any kind of threat or hate crime will be reported to law enforcement officials.~~

~~Students and staff who believe they have been the victims of cyberbullying, as described in this policy, should not erase the offending material from the system. A copy of the material should be printed and a report made under this policy.~~

~~(cf. 6161.4 **Acceptable Use Policy/Internet Standards Policy**)~~

## **Reporting**

### A. Students

It is the policy of the Kenai Peninsula Borough School District to encourage students who are subject to, witness, or overhear incidents of bullying, cyberbullying, harassment, or intimidation to report such incidents. Students should report such incident(s) to a teacher, counselor, or school administrator. Students may also report such incidents to the Title IX Coordinator.

### **cf. 5130.2 Filing a Report of Harassment, Bullying, Discrimination**

### B. Staff

Any District staff (employees, volunteers, administrators, coaches, etc.) who witness or receive information about an incident of harassment, intimidation, bullying or cyberbullying at any District facility, on school grounds, in school buildings, on school buses, or at school sponsored activities, shall report it to the Title IX Coordinator as soon as practicable, but not later than a time during the same day on which the information about the incident was received.

No cause of action may be brought against a student or staff who reports an incident unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

Consequences for violation of this policy will be administered according to applicable District policies (BP 4118 Suspension/Disciplinary Action – Staff; BP 5144 Discipline-Students; BP 5144.1-Suspension and Expulsion-Students). Any prior violations of this policy will be considered when determining consequences.

### **Intervention:**

#### A. Responsibilities of District Staff and Contractors

All District staff and contractors who witness incidents of bullying, harassment or intimidation or who possess reliable information that would lead a reasonable person to suspect that a person is a target of bullying must:

1. Intervene immediately in a manner that is appropriate to the context and ensures the safety of all people involved;
2. Report the incident to the Principal/Administrator and Title IX Coordinator as soon as practicable, but in all cases within 24 hours; and
3. Cooperate fully in any investigation of the incident and in implementing any safety plan established by the District.

#### B. Responsibilities of Students, Parents and Guardians

No student who witnesses bullying may stand by and participate in the bullying but must notify an adult at school as quickly as practicable. Any parent or guardian who witnesses or is notified of bullying should notify the School Principal/Administrator as quickly as practicable. Reports can also be made to the Title IX Coordinator.

### **Retaliation**

The District will not tolerate retaliation against a person who report cyberbullying, provides information during an investigation of cyberbullying, or witnesses or has reliable information about cyberbullying.

#### **cf. 5130.6 Retaliation**

~~Students or staff members who have witnessed, or have reliable information that a student has been subjected to harassment, intimidation or bullying, should report the incident immediately to the principal who shall promptly initiate an investigation. The investigation shall include an assessment of what actions should be taken, as appropriate, to protect the student who has been found to be the victim of harassment, intimidation or bullying. Such actions~~

~~may include the provision of support services necessary to permit the student to feel safe and secure in attending school. The Superintendent shall develop procedures to implement this policy.~~

This policy should not be interpreted to prohibit a reasoned and civil exchange of opinions or debate that is protected by law and Board policy.

(c.f. 5145.2 – [Freedom of Speech/Expression](#))

Conduct that does not rise to the level of harassment, intimidation and bullying may still be prohibited by other policies or rules.

(cf. [5131 – Conduct](#))

(cf. [5131.4 – Campus Disturbances](#))

(cf. [5131.41– Violent and Aggressive Conduct](#))

(cf. [5131.5 – Vandalism, Theft & Graffiti](#))

(cf. [5137 – Positive School Climate](#))

Legal Reference:

ALASKA STATUTES

14.33.200 Harassment, intimidation and bullying policy

14.33.210 Reporting of incidents of harassment, intimidation or bullying

14.33.220 Reporting; no reprisals

14.33.230 Immunity from suit

14.33.250 Definitions

[Title IX of the Educational Amendments, 20 U.S.C. §1681, et. seq.](#)  
[34 CFR 106, Nondiscrimination on the Basis of Sex in Education Programs](#)

**KENAI PENINSULA BOROUGH SCHOOL DISTRICT**

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