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**Students**

**HARASSMENT, INTIMIDATION AND BULLYING**

The Board is dedicated to providing a safe and civil environment that optimizes learning. Harassment, intimidation, and bullying disrupt a student's ability to learn and a school's ability to educate. Bullying in any form may also impact the school's climate, the student's ability to learn and the teacher's ability to teach.

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

This policy recognizes that “harassment,” “intimidation,” and “bullying” in any form are behaviors which must be addressed appropriately. The District will not tolerate harassment, intimidation, bullying, retaliation or related adverse conduct by students, employees, volunteers, or third parties

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 or against any protected-class or status (race, color, religion, national origin, ancestry, age, pregnancy, sex, gender identity/expression, marital status, sexual orientation, genetic information, disability or need for special education services) 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, staff and anyone utilizing school property shall not tolerate or engage in any form of harassment, intimidation, or bullying while on school property, on school buses, at a school bus stop, or at a school-sponsored activity or function.

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.

(cf. [5145.3 – Nondiscrimination](#))

(cf. [5145.7 – Sexual Harassment](#))

(cf. [4119.12 – Harassment](#))

There are a number of ways in which bullying occurs. Examples of bullying include, but are not limited to:

1. **Cyberbullying** - 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.

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.

2. **Physical Bullying** – using physical actions to gain power and control over a target. This is the most obvious type of bullying. Physical bullying may include hitting, kicking, tripping, pinching, pushing and/or damaging property.
3. **Sexual Bullying** – consists of repeated, harmful, and humiliating actions that target a person sexually. Examples include, but are not limited to, calling someone sexually explicit and derogatory names; forwarding sexually explicit text messages and inappropriate pictures via text or email; engaging in slut-shaming, or public shaming that is sexual in nature; grabbing someone’s clothing or brushing up against them in a purposefully sexual way; making comments about someone’s sexual preference or sexual activity; making sexual gestures to someone; making sexual jokes or comments about someone.

**Sexting:** Sending sexually explicit text messages and pictures via text message and/or pressuring someone to participate in sexting is a form of sexual bullying. Sexting that includes images of nude minors may qualify as child pornography, even if the activity is consensual and MAY BE A CRIME. An individual who redistributes a sexting communication can be found in violation of this policy and in violation of the law, even if the individual did not author or create the original communication or image.

4. **Social or Emotional Bullying** – this type of bullying is often harder to recognize. Social bullying involves hurting someone’s reputation or relationships and includes, but it not limited to, lying, fake rumors and spreading gossip; encouraging others to turn against someone; leaving someone out constantly and encouraging others to do the same; socially excluding someone online; damaging someone’s social reputation or social acceptance; using humiliating nicknames and continuing even when asked to stop.
5. **Verbal Bullying** – the act of saying or writing mean or hurtful things. Verbal bullying uses words, statements, and name-calling. Typically, verbal bullies will use relentless insults to belittle, demean, and hurt another person. Examples include teasing, name-calling, inappropriate comments, taunting, or threats to cause harm. The goal of verbal bullying is usually to degrade and demean the victim in order to make the aggressor appear dominant and powerful.

Regardless of the type of bullying, all are inappropriate and all are a violation of school 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**

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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