

BP 5131.43 HARASSMENT, INTIMIDATION AND BULLYING

The School Board is dedicated to providing a safe and civil learning environment. Harassment, intimidation and bullying disrupt a student's ability to learn and a school's ability to educate. Students and staff are expected to demonstrate positive character traits and values. Conduct and speech must be civil and respectful in order to promote harmonious and courteous relations in the school environment.

(cf. 5137 - Positive School Climate)

Students, staff and volunteers are prohibited from engaging in any form of harassment, intimidation, or bullying while on school property, on school buses, at the bus stop, or at school-sponsored activities or functions. Students who engage in such acts are subject to appropriate disciplinary action, up to and including suspension or expulsion. Staff who engage in acts of harassment, intimidation or bullying are also subject to appropriate disciplinary action up to and including suspension and termination. Volunteers who engage in such acts will be denied the opportunity to volunteer in the future.

To promote an environment free of harassment, intimidation, or bullying, ~~t~~The district will shall provide parent and community information, and age-appropriate student instruction, on how to identify, respond to, and prevent harassment, intimidation, and bullying. Additionally, at least once per semester, students, parents, guardians, and staff members shall be informed of all available options for reporting concerns of harassment, intimidation, or bullying, including an option to report concerns anonymously.

~~P~~the principals or ~~their~~ designee shall take appropriate actions such as: removing vulgar or offending graffiti; establishing site rules; and providing staff training and student instruction and counseling. Teachers shall discuss this policy with their students in ~~age appropriate~~age-appropriate ways and assure students that they need not endure any form of harassment, intimidation, or bullying.

~~The district will provide parent and community information, and age-appropriate student instruction, on how to identify, respond to, and prevent harassment, intimidation, and bullying.~~

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(c.f. 5144 - Discipline)

(c.f. 5144.1 - Suspension and Expulsion)

Harassment, Intimidation and Bullying Defined

~~Harassment, intimidation, or bullying means 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;~~
- ~~2. has the effect of substantially interfering with the student's education;~~
- ~~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.~~

Bullying: Unwanted, negative interactions by a student (or group of students) that involve an actual or perceived power imbalance and are repeated or highly likely to be repeated. Bullying can be physical, verbal or social/relational in nature.

It is not bullying when:

- Students of similar age, strength, and size quarrel or fight with each other.
- A student provokes another into a verbal or physical confrontation.
- A student acts aggressively toward another student in the absence of an imbalance of power.

Harassment: Harassment is the intentional behavior by a student (or group of students) that is disturbing or threatening to another student. Intentional behaviors that characterize harassment include, but are not limited to stalking, hazing, social exclusion, name calling, unwanted physical contact and unwelcome verbal or written comments, photographs and graphics. Harassment may be related, but not limited to, race, religious orientation, sexual orientation, cultural background, economic status, size or personal appearance. Harassing behaviors can be direct or indirect.

Intimidation (Threats): Intimidation is intentional behavior by a student (or group of students) that places another student in fear of harm to person or property. Intimidation can be manifested emotionally or physically, either directly or indirectly.

(c.f. 5145.3 - Nondiscrimination)

Cyberbullying

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. Is of a criminal nature, including but not limited to, 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 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 - Internet)

(cf. 6161.5 - Web Sites/Pages)

Reporting

Students, volunteers, 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 or his/her designee, 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 to permit the student to feel safe and secure in attending school. The option to report concerns anonymously must be made available to all ASD students, volunteers, and staff members. The Superintendent shall develop procedures to implement this policy.

False Report

Students, volunteers or staff members who knowingly or willfully make a false report of bullying may be subject to disciplinary action appropriate to their status or relationship with the district. This policy should not be interpreted to prohibit a reasoned and civil expression or exchange of opinions or debate that is protected by law and board policy.

Response

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, the following factors should be considered:

1. the development and maturity levels of the parties involved;
2. the level of harm;
3. the surrounding circumstances;
4. past incidences or past continuing patterns of behavior;
5. the relationships between the parties involved;
6. the level of disruption in or interference with the orderly operation of the school.

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

(c.f. 5145.2 - Freedom of Speech/Expression)

Conduct that does not rise to the level of harassment, intimidation or 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. 5131.42 - Threats of Violence)

(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*

[11.61.120](#) *Harassment in the second degree*

CODE OF FEDERAL REGULATIONS

[28 CFR Part 35](#), *Title II of the Americans with Disabilities Act of 1990 (ADA)*

[34 CFR Part 104](#), *Section 504 of the Rehabilitation Act of 1973 (Section 504)*

[34 CFR Part 300](#), *Individuals with Disabilities Education Act (IDEA)*

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Anchorage School District