

BULLYING

1. Purpose

The School Board of Madison County, Virginia, is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. The School Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, harassment, or discrimination will not be tolerated and shall be just cause for disciplinary action.

2. Definitions

- A. "Bullying" means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees.

Bullying may involve, but is not limited to:

- 1) **Verbal:** Hurtful name-calling, teasing, gossiping, making threats, making rude noises, or spreading hurtful rumors.
- 2) **Nonverbal:** Posturing, making gang signs, leering, staring, stalking, destroying property, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- 3) **Physical:** Hitting, punching, pushing, shoving, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting, or destroying property.
- 4) **Emotional (psychosocial):** Rejecting, terrorizing, extorting, defaming, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure, or rating or ranking personal characteristics.
- 5) **General.** Hazing, taunting, teasing, confinement, assault, demands for money, extortion, theft of valued possessions, ridicule, slurs, jokes, innuendos, demeaning comments, and ostracism.

It is further defined as any unwanted and repeated purposeful gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e.; internet, cell phone or wireless handheld device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, ethnicity, color, religion, ancestry, national origin, gender, sex, sexual orientation, gender identity and expression, marital status, socio-economic background, social/family background, linguistic preference political beliefs, or a mental physical, or sensory disability, difference, or impairment; or by any other distinguishing characteristic or because of one's association with a particular person or group of persons.

Bullying involves actions that are carried out repeatedly; or are sufficiently severe and persistent or pervasive; or are systematically and chronically abusive.

Bullying occurs when the actions:

- 1) create an intimidating, hostile, threatening, abusing, or offensive educational or work environment;
- 2) cause long term damage;
- 3) cause discomfort or humiliation;
- 4) unreasonably interfere with the individual's school performance or participation;
- 5) place the individual in reasonable fear of harm or damage to a person's property; or,
- 6) have the effect of substantial, negative impact on the person's emotional or mental well-being.

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- B. “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, texting on cell phones, social websites (e.g., MySpace, Facebook, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism.
- C. “Cyberstalking” means to engage in a course of conduct to communicate or 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. “Prohibited Harassment” includes, but is not limited to, oral, written, psychological, physical (both climate and contact), and other demonstrative actions with regard to race, creed, ethnic origin, religious preference, gender, disability, or sexual orientation that is harassing.
- E. “Accused” is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school- sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.
- F. “Complainant” is defined as any individual who has a complaint or concern.
- G. “Victim” is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school sponsored events, on school buses and at training facilities or training programs sponsored by the District, who is reported to have been the target of an act of bullying during any educational program or activity conducted by MCPS.

3 Expectations

The Board expects students and staff 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.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for the school and community property.

Since bystander support of bullying can support these behaviors, MCPS prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The school district upholds that bullying of any student or employee is prohibited:

- A. During an education program or activity;
- B. During any school-related or school-sponsored program or activity;
- C. On a school bus or going to and from school;
- D. Through the use of data or computer software that is accessed through a computer, computer system or computer network; or
- E. Any instance that occurs outside of school but causes a disruption during the school day.

4. Procedures to Address Bullying

The following actions will be taken when bullying is reported:

- A. **Investigate** - Upon receipt of any report of bullying, schools will direct an immediate investigation involving appropriate personnel. The investigation should begin no later than the following school day. The investigation shall include interviewing the alleged perpetrator(s) and victim(s), identified witnesses, teacher(s) and staff members and reviewing video surveillance if available. School Resource Officer, school counselors, school psychologist and/or other support staff should be utilized for their expertise as determined by the circumstances of the matter.
- B. **Notify** - At an appropriate time during or after the investigation, parents/guardians of the accused and the victim must be notified. If the incident involves an injury or similar situation, appropriate medical attention should be provided and the parent/guardian should be notified immediately.
- C. **Concluding the Investigation** – Absent extenuating circumstances, the investigation should be completed within ten school days from the date of the report; however, the principal or designee shall take additional time if necessary to complete a thorough evaluation.

The principal or designee shall prepare a written report of the investigation, including a determination of whether bullying occurred, and send a copy to the Office of Student Services for data collection and reporting purposes.

- D. **Discipline** - Upon confirming that bullying has occurred, the accused student should be charged with bullying and given an age-appropriate consequence which shall include, at minimum and without limitation, disciplinary action or counseling, as appropriate under the circumstances.

The principal shall convene the school's Intervention Team (IT) for the purpose of developing a plan of action/interventions for the victim and/or perpetrator, even if the investigation concludes that the conduct did not rise to the level of bullying under this policy.

Students in grades six through twelve found to have committed the offense of bullying in a school year shall be assigned the following consequences:

- 1) **First offense:** Mandatory 5 days out of school suspension and required Saturday educational program. Students will be referred to the Intervention Team to develop a plan that will attempt to prevent future instances of bullying. An education piece will be provided to the student, either through the school counseling department, or through a program that addresses bullying behavior. Parents and student will be notified of discipline that will occur if there is a second instance of bullying.
- 2) **Second Offense:** Long term suspension and referral to the Division Discipline Committee.

Schools should clearly communicate to all parties that retaliation following a report of bullying is strictly prohibited and may result in strong disciplinary action.

- E. **Follow Up** - Follow up is important to the accused and the victim. Implement a planned method to provide after-care and follow up. Reiterate to all the previously stated prohibition on retaliation.

5. Confidentiality

To the greatest extent possible, MCPS shall respect the privacy of the complainants, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

6. Appeals Process

If the Superintendent or designee determines that no bullying occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the school Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the Superintendent and any other individual the School Board deems relevant.

Retaliation Prohibited

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this policy. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has assisted or participated in any manner in an investigation is specifically prohibited and as detailed in this policy shall be treated as another incidence of bullying.

Adopted: March 14, 2011

Legal Refs: Code of Virginia §§ 22.1-279.6, 22.1-253.13:7, 22.1-208.01, 22.1-279.3:1, 22.1-279.3:1, § 22.1-279.6, 8.01-220.1:2

Cross Ref: CLA Reporting Acts of Violence and Substance Abuse
 GAB/IIBEA Acceptable Computer System Use
 GAB/IIBEA-R Acceptable Computer System Use Regulation
 JFC Student Conduct
 JFC-R Standards of Student Conduct
 JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion
 JGA Corporal Punishment
 JGD/JGE Student Suspension/Expulsion
 JGDA Disciplining Students with Disabilities
 JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
 JN Student Fees, Fines and Charges