

PRESTON COUNTY BOARD OF EDUCATION

FILE: 11 - STUDENTS

File: 11-17 Harassment, Intimidation or Bullying Prohibited

Last Reviewed: 8-9-10

Next Review: 7-1-12

The Preston County Board of Education recognizes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe, non-threatening environment.

Preston County Schools will investigate all complaints of harassment, intimidation, bullying or violence and discipline any student who harasses another.

It is the duty of this Board, school administrators, faculty, staff and volunteers to demonstrate appropriate behavior, treating others with civility and respect, and to refuse to tolerate harassment intimidation or bullying of a student on school property or at school sponsored events. To that end, the Board promulgates the following procedures to assure that every student will have the opportunity to study and learn in a non-threatening environment.

(WVC §18-2C-1; §18-2C-2; §18-2C-3; §18-2C-4; and SBP 2421)

R 11-17-1 Definitions

As used in these procedures, harassment, intimidation or bullying means any intentional gesture, or any intentional written, verbal or physical act or threat that:

- ❖ A reasonable person under the circumstances should know will have the effect of:
 - Harming a student:
 - Damaging a student's property;
 - Placing a student in reasonable fear of harm to his or her person: or
 - Placing a student in reasonable fear of damage to his or her property.
- ❖ Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

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R 11-17-2 Complaint Procedures

- ❖ The school principal or his/her designee shall receive all complaints regarding incidents of harassment, intimidation or bullying.
- ❖ School employees or students who observe (or are victims of) such violations shall immediately report them to the designated school official.
- ❖ The failure of employees to respond to violations of these procedures shall be reflected in the employees' Performance Evaluation as defined in *SBP 5310*.

- ❖ School officials shall notify the parents or guardians of any students who are involved in or are the victim of harassment, intimidation or bullying. The details of the event will be shared with them as appropriate.

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R 11-17-3 Investigation Procedures

- ❖ The principal shall take such reasonable steps as necessary, to protect a victim from additional harassment, intimidation, or bullying, and from retaliation following a reported violation of these procedures.
- ❖ The principal or his/her designee shall conduct an investigation into the allegations in a timely fashion. At a minimum, the investigation shall consist of the following:
 - Personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint.
 - The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.
 - When any student is to be interviewed in connection with an investigation pursuant to an alleged incident, a reasonable effort shall be made to contact the student's parents, custodians, or guardians and invite them to be present during such interview.
- ❖ The investigation will be completed as soon as practicable but no later than 10 school days following the reported violation. A written report shall be compiled upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
- ❖ The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the principal.
- ❖ In determining the appropriate response and/or punishment, the principal shall consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. The principal may choose to administer punishment as defined in the Student Code of Conduct, or s/he may choose an appropriate alternative punishment.
- ❖ Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of these procedures. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.
- ❖ The principal shall keep an official record of each incident investigated.

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R 11-17-4 Reprisals

A school employee, student or volunteer is individually immune from a cause of action for damages arising from reporting said incident, if that person:

- ❖ In good faith promptly reports an incident of harassment, intimidation or bullying;
- ❖ Makes the report to the appropriate school official as designated by policy; and
- ❖ Makes the report in compliance with the procedures as specified in policy.

Appropriate action will be taken against any student who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Similarly, appropriate disciplinary action will be taken against any student, administrator or other school personnel who falsely reports violations of these procedures.

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R 11-17-5 Policy Dissemination

Notice of the Board's policies and procedures shall appear in any student handbook, and in any county board publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.

- ❖ These procedures, or a summary shall be conspicuously posted throughout each county's/school's facilities in areas accessible to students and staff members.
- ❖ These procedures, or a summary, shall appear in the student handbook and if no handbook is available, a copy will be distributed to all students, faculty, staff and parents.
- ❖ When a student enters middle/junior high/high school for the first time, the student and his/her parent/guardian will be requested to sign and return a contract agreeing to abide by the stipulations in the procedures and consequences associated with violations.
- ❖ The Board shall provide training for students and staff on these regulations and on means for effectively promoting the goals of these procedures. The county shall review its procedures at least biannually for compliance with state and federal law and West Virginia Board of Education policy.

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Adopted: August 18, 1999
Amended/Revised: August 9, 2010