

	ABERDEEN SCHOOL DISTRICT	NEPN Code: JFCE-R
	POLICIES AND REGULATIONS	

STUDENT BULLYING - REGULATIONS

A. DEFINITIONS

1. **Bullying:** For the purposes of this policy, “bullying” means any persistent physical, verbal, written or electronic conduct directed toward a student that is so severe, pervasive, and objectively offensive that it:
 - a. has the purpose of effecting or creating an intimidating, hostile or offensive academic environment, or
 - b. has the purpose or effect of substantially or unreasonably interfering with a student’s academic performance which deprives the student access to educational opportunities.

Bullying conduct includes, but is not necessarily limited to, the following:

- Verbal, nonverbal, electronic, physical or written harassment, hazing, or other victimization that has the purpose of causing injury, discomfort, fear, or suffering to the victim;
 - Implied or explicit threats concerning grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
 - Demeaning jokes, repeated remarks of a demeaning nature, stories, rumors or activities such as mocking, making fun of, or ridiculing directed at a student that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; or
 - Unreasonable interference with a student’s performance or creation of an intimidating, offensive or hostile learning environment.
2. **Electronic:** For the purposes of this policy, “electronic” includes, but is not limited to, communication via electronic mail, internet-based communications, cell phones, electronic text messaging or similar technologies. As new technologies emerge, they too may be included with these forms of electronic communication. In situations in which electronic bullying originated from a non-school device, but is brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is or has potential to be severely disruptive of the educational process so that it markedly interrupts or severely impedes the day-to-day operations of a school. In addition, such conduct must also violate a school policy. Such conduct includes, but is not limited to, threats, or making a threat off school grounds, to harm a member of the school staff or a student.
 3. **Third Parties:** For the purposes of this policy, “third parties” includes, but is not limited to, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-district school events.

B. REPORTING

Any individual who believes a student has been the victim of bullying, as defined above, by students, staff, or third parties shall report the alleged acts immediately. The report shall be on a form (NEPN Policy JFCE-E) available from the building principal or from the District office. At the time a report is made, District staff may request any evidence of the alleged bullying, including, but not limited to, video surveillance, letters, recordings, pictures or electronic communication devices.

1. **Designated Personnel.** The building principal is designated to receive written reports of bullying at each school building. Reports may also be received by an alternate, as designated by the building principal. Upon receipt of a written report, the building principal shall reasonably and promptly notify the superintendent and provide a copy of the report to the superintendent upon completion of the investigation. Failure to forward any report as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the superintendent.
2. **District wide.** The School Board hereby designates the superintendent to receive reports of bullying from the building principal as outlined above. The superintendent shall designate an individual to receive reports in such cases that a report alleges bullying performed by the superintendent. If a report is filed involving the superintendent, the designated individual shall reasonably and promptly notify the Board Chair.
3. **Confidentiality.** The District will make every attempt to respect the confidentiality of the report and the individual(s) against whom the report is filed, consistent with district policy, legal obligations and the necessity to investigate allegations of bullying and take disciplinary action when the conduct has occurred.
4. **Procedure.** Any individual filing a report of bullying will be asked to put the facts surrounding the conduct in writing on a form provided by the District. The form shall include, but is not limited to: individual's name; date of the incident(s); description of the incident(s); name of any witnesses; what action, if any, has been taken; and signature of the complainant.
5. **Required Reporting.** Should the administration conclude that bullying did occur, the administration shall take such action as deemed appropriate, which may include imposing disciplinary consequences on the person found to have violated this policy prohibiting bullying. In the imposition of disciplinary consequences, the administration shall comply with all provisions of state law and school policy, both from a substantive and procedural standpoint.

C. INVESTIGATION

Upon receipt of a written report, the building principal shall be responsible for reasonably and promptly conducting an investigation to determine whether an alleged act constitutes a violation of this policy. At the building principal's discretion, an investigation may be conducted by an alternate investigator as designated by the building principal. After completion of the investigation and within ten (10) working days of receiving the report, the investigating party shall provide written conclusions and findings to the superintendent.

The investigation may consist of personal interviews with individuals named in the report and any others who may have knowledge of the alleged incident(s) or circumstances giving rise to the report. The investigation may also consist of any other methods deemed appropriate by the investigating party.

In addition, the District may take immediate steps, at its discretion, to protect students and employees pending completion of an investigation.

D. PROHIBITION AGAINST RETALIATION

The District prohibits retaliation against any person who, in good faith, makes a report of alleged bullying conduct or who, in good faith, testifies, assists, or participates in any investigation, proceeding, or hearing related to a report of bullying.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. If any student who has, in good faith, reported bullying or has testified, assisted or participated in an investigation, believes that he or she has been retaliated against because of his or her participation, he or she should follow the procedures set forth above.

Any charge of bullying found to have been intentionally dishonest or made maliciously without regard for truth is subject to disciplinary action consistent to District policy JK, Rules of Student Conduct and Discipline.

E. CONSEQUENCES

Any individual found to have violated this policy will be subject to discipline consistent with district policy. The District will take action it deems necessary and appropriate, up to and including expulsion, dismissal or appropriate sanction determined and imposed by the administration or the Board. Individuals may also be referred to law enforcement.

If there is reasonable suspicion to believe that a person, other than a student, bullied another person while at school or at school activities, or on non-school property in violation of this policy, the administration may prohibit that person from being on school property or from being at school activities.

F. NOTIFICATION

The District's bullying prevention efforts shall be annually discussed with students and staff and the District's policy and regulation shall be incorporated into the appropriate district handbooks, which shall be made available to district staff, students and parents.

District Policy Cross References:

- EE Student Conduct on School Buses
- GBAA Sexual Harassment
- JFA Student Due Process Rights
- JKD Student Suspension and Expulsion
- JIFCA Hazing
- JK Rules of Student Conduct and Discipline

SDCL Cross References:

- SDCL 22-19A-1 Stalking
- SDCL 22-19A-4 Harasses defined
- SDCL 49-31-31 Threatening or harassing contacts by telephone or other electronic communication device as misdemeanor
- SDCL 13-32-15 Bullying defined

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