

**STUDENT HARASSMENT, INTIMIDATION,  
BULLYING AND THREATENING BEHAVIOR**

010614

**Statement of Legislative Mandate and Purpose**

This policy is a result of the legislative mandate and public policy embodied in the *School Safety & Bullying Prevention Act*, Okla. Stat. tit. 70, § 24-100.2. The Oklahoma Legislature requires school districts to adopt a policy to prevent harassment, intimidation, bullying and threatening behavior in an effort to “create an environment free of unnecessary disruption” and also requires districts to actively pursue programs for education regarding bullying behaviors.

The District’s student conduct code prohibits harassment, intimidation, bullying and threatening behavior. This Policy further explains the negative effects of that behavior, seeks to promote strategies for prevention and education, establishes a procedure for investigating alleged incidents of prohibited behavior and establishes a post-investigation procedure that may include recommendations for community mental health care options and requests for disclosure of student mental health care information.

**Statement of Board Purpose in Adopting Policy**

The Board of Education recognizes that any pattern of harassment, intimidation, physical acts, verbal or electronic communication and threatening behavior causes serious educational and personal problems, both for the student-victim and the initiator. The Board observes that this conduct:

- Has been shown by national and state studies to have a substantial adverse effect upon school district operations, the safety of students and faculty, and the educational system at large;
- Substantially disrupts school operations by interfering with the District’s mission to instruct students in an atmosphere free from fear, is disruptive of school efforts to encourage students to remain in school until graduation, and just as disruptive of the school’s efforts to prepare students for productive lives in the community as they become adults;
- Substantially disrupts healthy student behavior and thereby academic achievement. Research indicates that healthy student behavior results in increased student academic achievement. Improvement in student behavior through the prevention or minimization of harassment, intimidation, bullying and threatening behavior towards student-victims simultaneously supports the District’s primary and substantial interest in operating schools that foster and promote academic achievement;

- Substantially interferes with school compliance with federal law that seeks to maximize the inclusion of students with disabilities and hinders compliance with Individualized Educational Programs containing goals to increase the socialization of students with disabilities. Targets of bullying are often students with known physical or mental disabilities who, as a result, are perceived by bullies as easy targets for bullying actions;
- Substantially interferes with the District’s mission to advance the social skills and social and emotional well-being of students. Targets of harassment, intimidation, bullying and threatening behavior are often “passive-target” students who already are lacking in social skills because they tend to be extremely sensitive, shy, display insecurity, anxiety, and/or distress; may have experienced a traumatic event; may try to use gifts, toys, money or class assignments or performance bribes to protect themselves from harassment, intimidation, bullying and threatening behavior; are often small for their age and feel vulnerable to bullying acts; and/or may resort to carrying weapons to school for self-protection. Passive-target victims, who have been harassed and demeaned by the behavior of bullies, often respond by striving to obtain power over others by becoming bullies themselves, and are specifically prone to develop into students who eventually inflict serious physical harm on other students, or, in an effort to gain power over their life or situation, commit suicide;
- Substantially disrupts school operations by increasing violent acts committed against fellow students. Violence, in this context, is frequently accompanied by criminal acts; and
- Substantially disrupts school operations by interfering with the reasonable expectations of other students that they can feel secure at school and not be subjected to frightening acts or be the victim of mistreatment resulting from bullying behavior.

Harassment, intimidation, bullying and threatening behavior often involves expressive gestures, written or verbal expression, electronic communication or physical acts that are sexually suggestive, lewd, vulgar, profane or offensive to the education or social mission of the District, and at times involves the commission of criminal acts. This behavior interferes with the curriculum by disrupting the presentation of instruction and also disrupts and interferes with the student-victim’s or bystander’s ability to concentrate, retain instruction and study or to operate free from the effects of harassment, intimidation, bullying and threatening behavior. This results in a reluctance or resistance to attend school.

### **Definition of Terms**

#### A. Harassment, Intimidation and Bullying:

The *School Safety & Bullying Prevention Act* defines the terms “harassment, intimidation and bullying,” as including, but not limited to, any pattern of harassment, intimidation, threatening behavior, physical acts, written or verbal expression, electronic communication, gesture, or physical act that a reasonable person should know will:

1. Harm another student;

2. Damage another student's property;
3. Place another student in reasonable fear of harm to the student's person or damage to the student's property; or
4. Insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

B. Electronic Communication

"Electronic communication" means the communication of any written, verbal, or pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device or a computer.

The District prohibits harassment, intimidation, bullying and threatening behavior by electronic communication, whether such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation or bullying at school.

"At school" means on school grounds, in school vehicles, at school sponsored activities, or at school-sanctioned events.

C. Threatening Behavior

"Threatening behavior" means any pattern of behavior or isolated action, whether or not it is directed at another person, that a reasonable person would believe indicates potential for future harm to students, school personnel or school property.

D. The "Reasonable Person" Standard

In determining what a "reasonable person" should recognize as an act placing a student in "reasonable" fear of harm, staff will determine "reasonableness" not only from the point of view of a mature adult but also from the point of view of an immature child of the age of the intended victim along with, but not limited to, consideration of special emotional, physical, or mental needs of the particular child; personality or physical characteristics, or history that might cause the child to be particularly sensitive to efforts by a bully to humiliate, embarrass, or lower the self esteem of the victim; and the discipline history, personality of and physical characteristics of the individual alleged to have engaged in the prohibited behavior.

E. General Display of Bullying Acts

Bullying, for purposes of this section of the policy, includes harassment, intimidation and threatening behavior and vice versa. According to experts in the field, bullying in general is the exploitation of a less powerful person by an individual taking unfair advantage of that person, which is repeated over time, and which inflicts a negative effect on the

victim. The seriousness of a bullying act depends on the harm inflicted upon the victim and the frequency of the offensive acts. Power may be but is not limited to physical strength, social skill, verbal ability, or other characteristics. Bullying acts by students have been described in several different categories.

1. **Physical Bullying** includes harm or threatened harm to another's body or property, including but not limited to, what would reasonably be foreseen as a serious expression of intent to inflict physical harm or property damage through verbal or written speech or gestures directed at the student-victim, when considering the factual circumstances in which the threat was made and the reaction of the intended victim. Common acts include tripping, hitting, pushing, pinching, pulling hair, kicking, biting, starting fights, daring others to fight, stealing or destroying property, extortion, assaults with a weapon, other violent acts, and homicide.
2. **Emotional Bullying** includes the intentional infliction of harm to another's self-esteem, including but not limited to insulting or profane remarks, insulting or profane gestures, or harassing and frightening statements, when such events are considered in light of the surrounding facts, the history of the students involved, and age, maturity, and special characteristics of the students.
3. **Social Bullying** includes harm to another's group acceptance, including but not limited to harm resulting from intentionally gossiping about another student or intentionally spreading negative rumors about another student that result in the victim being excluded from a school activity or student group; the intentional planning and/or implementation of acts or statements that inflict public humiliation upon a student; the intentional undermining of current relationships of the victim-student through the spreading of untrue gossip or rumors designed to humiliate or embarrass the student; the use of gossip, rumors or humiliating acts designed to deprive the student of awards, recognition, or involvement in school activities; the false or malicious spreading of an untrue statement or statements about another student that exposes the victim to contempt or ridicule or deprives the victim of the confidence and respect of student peers; or the making of false statements to others that the student has committed a crime, or has an infectious, contagious or loathsome disease, or similar egregious representations.
4. **Sexual Bullying** includes harm to another resulting from, but not limited to, making unwelcome sexual comments about the student; making vulgar, profane, or lewd comments or drawings or graffiti about the victim; directing vulgar, profane, or lewd gestures toward the victim; committing physical acts of a sexual nature at school, including the fondling or touching or private parts of the victim's body; participation in the gossiping or spreading of false rumors about the student's sexual life;

written or verbal statements directed at the victim that would reasonably be interpreted as a serious threat to force the victim to commit sexual acts or to sexually assault the victim when considering the factual circumstances in which the threat was made and the reaction of the intended victim; off-campus dating violence by a student that adversely affects the victim's school performance or behavior, attendance, participation in school functions or extracurricular activities, or makes the victim fearful at school of the assaulting bully; or the commission of sexual assault, rape, or homicide.

Such conduct may also constitute sexual harassment, which is also prohibited by the District.

### **Understanding and Preventing Student Harassment, Intimidation, Bullying and Threatening Behavior**

#### A. Student and Staff Education and Training

All staff will be provided with a copy of this Policy. All parents, guardians, staff volunteers and students will be provided a summary of the Policy and notice that a copy of the entire Policy is available on request within each school site. The District policy will be a part of each site parent and student handbook. The District requires annual for all staff regarding identification of behavior constituting student harassment, intimidation, bullying and threatening behavior and the prevention and management of such conduct.

Students, like staff members, shall participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of student harassment, intimidation, bullying and threatening behavior, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable and will lead to discipline. Students shall also be informed of the consequences of bullying conduct toward their peers.

#### B. The District's Safe School Committees

The District's Safe School Committees have the responsibility of studying and making recommendations regarding unsafe conditions, strategies for students to avoid harm at school, student victimization, crime prevention, school violence and other issues which interfere with and adversely affect the maintenance of safe schools.

With respect to student harassment, intimidation, bullying and threatening behavior, each Safe School Committee shall consider and make recommendations regarding professional staff development needs of faculty and other staff related to methods to decrease student harassment, intimidation, bullying and threatening behavior and understanding and identifying bullying behaviors. In addition, each Committee shall make recommendations regarding: (1) identification of methods to encourage the

involvement of the community and students in addressing conduct involving bullying; (2) methods to enhance relationships between students and school staff in order to strengthen communication; and (3) fashioning of problem-solving teams that include counselors and/or school psychologists.

In accomplishing its objectives each Committee shall review traditional and accepted harassment, intimidation and bullying prevention programs utilized by other states, state agencies or school districts.

### **Student Reporting**

Students are encouraged to inform school personnel if they are the victim of or a witness to acts of harassment, intimidation, bullying or threatening behavior. To make a report, students should notify a teacher, counselor, or principal. The employee will give the student an official report form to be completed by the student.

Students may make an anonymous report of harassment, intimidation, bullying or threatening behavior and such report will be investigated as thoroughly as possible. However, it is often difficult to fully investigate claims which are made anonymously and disciplinary action cannot be taken against a bully solely on the basis of an anonymous report.

### **Staff Reporting**

An important duty of the staff is to report acts or behavior that the employee witnesses that appears to constitute harassment, intimidation, bullying or threatening behavior. All employees shall encourage students who tell them about such acts to complete a report form. For young students, staff members given that information will need to provide direct assistance to the student.

Staff members who witness such events shall complete reports and submit them to the employee designated by the principal to receive them. Staff members who hear of incidents that may, in the staff member's judgment, constitute harassment, intimidation, bullying or threatening behavior, will report all relevant information to the building principal or designee.

### **Investigating Alleged Incidents of Student Harassment, Intimidation, Bullying and Threatening Behavior**

Staff members designated by each principal building shall investigate all reported incidents of harassment, intimidation, bullying or threatening behavior and take prompt and effective action to address confirmed incidents and prevent their recurrence. This action may include discipline, referral to the school counselor, referral to community mental health care providers, student social skills training and other actions. In addition, designated staff members will also determine the severity of confirmed incidents and assess their potential to result in future violence. Those staff members shall promptly report their findings to the building principal and other appropriate staff members.

## **Post-Investigation Recommendations**

### A. Community Mental Health Care Options

When designated school personnel confirm an incident of student harassment, intimidation, bullying or threatening behavior, they may also determine that it is appropriate to recommend that the student and parent take advantage of available community mental health care options in an effort to provide additional student assistance and prevent the recurrence of further incidents. If so, designated school personnel will advise the parent in writing of such options available in the community and surrounding area.

### B. Disclosure of Student Community Mental Health Care Information

Pursuant to the requirements of state law, the District may request the disclosure of any information concerning students who have received mental health care for an incident that indicates an explicit threat to the safety of students or school personnel. The District will make any request for disclosure in compliance with applicable state and federal laws and regulations.

## **Parental Notification**

The assigned investigator will notify the parents of a target within one (1) school day that a bullying report has been received. Within one (1) school day of the conclusion of the investigation, the investigator will provide the parents of a target with the results of the investigation and any community resources deemed appropriate to the situation.

## **Parental Responsibilities**

Parents/guardians will be informed in writing of the District's program to stop intimidation, harassment, bullying and threatening behavior. Parents will be informed of the program and the means for students to report bullying acts toward them or other students. An administrative response to a reported act of intimidation, harassment, bullying or threatening behavior may involve certain actions to be taken by parents. Parents will be advised that to help prevent bullying at school they should encourage their children to:

1. Report bullying when it occurs;
2. Take advantage of opportunities to talk to their children about bullying;
3. Inform the school immediately if they think their child is being bullied or is bullying other students;
4. Watch for symptoms that their child may be a victim of bullying and report those symptoms;

5. Cooperate fully with school personnel in identifying and resolving incidents; and
6. Participate in all activities designed to eliminate harassment, intimidation, bullying and threatening behavior, including activities designed to address confirmed incidents.

### **Student Transfers**

Students who are victims of bullying, and who report the incident(s) to school administrators, may choose to transfer to another school district. Any application for transfer must be made in accordance with the receiving school district's transfer policy.

### **Monitoring and Compliance**

In order to assist the State Department of Education with compliance efforts pursuant to the *School Safety and Bullying Prevention Act*, 70 OKLA. STAT. § 24-100.2 et seq., the district will identify a Bullying Coordinator who will serve as the district contact responsible for providing information to the State Department of Education. The Bullying Coordinator shall maintain updated contact information on file with the State Department of Education and the school district will notify the State Department of Education within fifteen (15) days of the appointment of a new Bullying Coordinator.

A copy of this policy will be submitted annually to the State Department of Education.