

Policy

HARASSMENT, INTIMIDATION OR BULLYING

Code JDAA Issued 3/16/22

The Board prohibits acts of harassment, intimidation, or bullying of a student by students, staff, and third parties that interfere with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment whether in a classroom, on school premises, on a school bus, or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the student.

For purposes of this policy, harassment, intimidation, or bullying is defined as a gesture, electronic communication, or a written, verbal, physical, or sexual act reasonably perceived to have the effect of either of the following:

- harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage
- insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school

Any student who feels he/she has been subjected to harassment, intimidation, or bullying is encouraged to file a complaint in accordance with procedures established by the superintendent. Complaints will be investigated promptly and thoroughly. All school employees are required to report alleged violations of this policy to the principal or his/her designee. Reports by students or employees may be made anonymously. All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. The identity of the victim or reporter of bullying or harassment will be protected to the extent allowed by law.

The District prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation, or bullying. The District also prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying. The appropriate school administrator or his/her designee will determine the consequences and appropriate remedial action for a person who engages in reprisal or retaliation or files a false report after consideration of the nature, severity, and circumstances of the act.

The Board expects students to conduct themselves in an orderly, courteous, dignified, and respectful manner. The Board expects students to conduct themselves in keeping with the District's standard for student behavior 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. Students and employees have a responsibility to know and respect the policies, rules, and regulations

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of the school and district. Any student or employee who is found to have engaged in the prohibited actions as outlined in this policy will be subject to disciplinary action, up to and including expulsion in the case of a student or termination in the case of an employee. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation.

Students, parents/guardians, teachers, and staff members should be aware that the District may take disciplinary actions for conduct initiated and/or created off-campus involving the inappropriate use of the Internet or web-based resources if such conduct poses a threat or substantially interferes with or disrupts the work and discipline of the schools, including discipline for student harassment and bullying.

The superintendent will be responsible for ensuring notice of this policy is provided to students, staff, parents/guardians, volunteers, and members of the community, including its applicability to all areas of the school environment as outlined in this policy.

The superintendent will also ensure that a process is established for discussing the district policy on harassment, intimidation, and bullying with students on at least an annual basis.

Adopted 1/16/07; Revised 3/15/22

Legal References:

A. S.C. Code, 1976, as amended:

1. Section 16-3-510 - Organizations and entities revised (hazing unlawful; definitions).
2. Section 59-19-90 - General powers and duties of school trustees.
3. Section 59-63-110, et seq. - Safe School Climate Act.
4. Sections 59-63-210 through 270 - Grounds for which trustees may expel, suspend, or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities on school property.
5. Section 59-63-275 - Student hazing prohibited.
6. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.

B. Federal Cases:

1. *Kolwalski v. Berkeley County Schools*, 652 F.3d 565 (4th Cir. 2011).

C. State Board of Education Regulations:

1. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.