

BULLYING

In order to provide a safe environment for all students and since our students may attend classes in the Devils Lake Public Schools System, NDSD/ RCDHH has adopted the DLPS policy for Bullying.

Bullying is defined as conduct prescribed in NDCC 15.1-19-17 through 15.1-19-22.

1) “Bullying” means:

A. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public

- Is so severe, pervasive, or objectively offense that is substantially interferes with the student’s education opportunities ;
- Places the student in actual and reasonable fear of harm;
- Places the student in actual and reasonable in actual and reasonable fear of damage to property of the student; or
- Substantially disrupts the orderly operation of the public school; or

B. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:

- Is so severe, pervasive, or objectively offensive that is substantially interferes with the student’s educational opportunities.
- Places the student in actual and reasonable fear of harm;
- Places the student in actual and reasonable fear of damage to property of the student; or
- Substantially disrupts the orderly operation of the public school.

2) “Conduct” includes the use of technology or other electronic media.

- **Protected classes** are classification/characteristics protected from discrimination by NDCC 14-02.4-01 and federal law. The following classes are protected: race, color, religion, sex, national origin, age, disability (physical or mental), status with regard to marriage or public assistance, sexual orientation, or status in any group protected by federal or state law.
- **School property** or the term **on-campus** refers to all property owned or leased by the District, school owned technology, school buses and other vehicles, or any school district sponsored or school-sanctioned activity.
- **School-sanctioned** activity is defined as an activity that;
 - a. Is not part of the districts curricular or extracurricular program; and
 - b. Is established by a sponsor to serve in the absence of a district program; and
 - c. Receives district support in multiple ways (i.e., not school facility use alone); and
 - d. Sponsors of the activity have agreed to comply with this policy; and

- e. The district has officially recognized through board action as a school sanctioned activity.
- **School-sponsored** activity is an activity that the District has approved through policy or other board action for inclusion in the district's extracurricular program and is controlled and funded primarily by the District.
- **School Staff** includes all employees of the Devils Lake Public School District, school volunteers, and sponsors of school-sanctioned activities.
- **True threat** is a statement that, in light of the circumstances, a reasonable person would perceive as a serious expression of an intent to inflict harm.

PROHIBITIONS

While at a public school, on school district premises, in a district-owned or leased school bus or school vehicle, the use of district owned technology, or at any public school or school district sanctioned or sponsored activity or event, a student may not:

1. Engage in bullying;
2. Engage in reprisal or retaliation against:
 - a. A victim of bullying
 - b. An individual who witnesses an alleged act of bullying;
 - c. An individual who reports an alleged act of bullying; or
 - d. An individual who provides information/participates in an investigation about an alleged act of bullying.
1. Knowingly file a false bullying report with the District. Off - campus bullying that is received on school property is also prohibited.

REPORTING PROCEDURE FOR ALLEGED POLICY VIOLATIONS

1. Reporting requirements for school staff: Any school staff member with knowledge or suspicion of a violation of this policy or who has received an oral or written report of a violation of this policy from a student, community member, or anonymously, is required to contact the building principal to inform him/her as soon as possible. If the alleged violation implicates the building principal, the school staff member is required to report it to the Superintendent. If the alleged violation implicates the Superintendent, the school staff member is required to file it with the Board President. Should school administration determine that a school staff member know of or suspected a violation of this policy and failed to report it in accordance with the procedure above, the staff member may be subject to disciplinary consequences or, for sponsors of school-sanctioned activities, other corrective measures.

2. Reporting options for students and community members: Students and community members (including parents) may report known or suspected violations of this policy using any of the following methods,

- a. Completing a written complaint form: A complainant will have the option of including his/her name on this form or filing it anonymously. The District will place the form in a variety of locations throughout the school and should inform students and staff of these locations. The form may be returned to any school

staff member, filed in a school building's main office, or placed in a designated drop box located in each school.

b. Complete and submit an online complaint form. A complainant will have the option of including his/her name on the form or submitting it anonymously. (Found on the DLPS web site.)

c. File an oral report with any school staff member.

d. Use the school district's Text-a-Tip system. (Posters are found in each school building with the Text-a-Tip phone number.)

A complaint filed anonymously may limit the district's ability to investigate and respond to the alleged violations.

REPORTING TO LAW ENFORCEMENT & OTHER FORMS OF REDRESS

Anytime a school staff member has reasonable suspicion that a bullying incident constituted a crime, he/she is required to report it to the school's administration. If an investigation by school district personnel results in a reasonable suspicion that a crime might have occurred, school district personnel are required to notify law enforcement. Also, nothing in this policy shall prevent a victim and his/her family from seeking redress under state and federal law.

DOCUMENTATION & RETENTION

The district shall develop a form to report alleged violations of this policy. The form should be completed by school staff when they:

1. Initiate a report of an alleged violation of this policy; or
2. Receive an oral report of an alleged violation of this policy.

The form should be completed by an administrator when he/she:

1. Initiates a report of an alleged violation of this policy; or
2. Receives an oral report of an alleged violation of this policy.

All written reports of an alleged violation of this policy received by the District shall be forwarded to the appropriate school administrator for investigation and retention.

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 or graduated from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18.

INVESTIGATION PROCEDURES

School administrators (i.e., a principal, an assistant superintendent, or the Superintendent) are required to investigate violations of this policy (as prescribed under "Prohibitions"), when in receipt of actual notice of an alleged violation. Actual notice of an alleged violation occurs when alleged bullying, reprisal, retaliation, or false reporting

is reported using the applicable method(s) prescribed in the reporting section of this policy.

Upon receipt of a report of an alleged policy violation, the designated administrator shall at first determine if the alleged policy violation is based on a protected class—whether actual or perceived. Reports involving a protected class shall be investigated in accordance with district's harassment/discrimination policy, including the timelines contained therein.

In all other cases, administration shall determine the level of investigation necessary based on the nature of the alleged violation of this policy after considering factors such as, but not limited to: the identity of the reporter and his/her relationship to the victim/alleged perpetrator; the ages of the parties involved; the detail, context of the report; whether this report is the first of its type filed against the alleged perpetrator. Based on the level of investigation the administrator deems necessary, investigations may include any or all of the following steps or any other investigatory steps that the administrator deems necessary:

1. Identification and collection of necessary and obtainable physical evidence may be unobtainable, i.e., a private social networking profile). The investigator shall use the district's Bullying/Harassment Investigation Protocol;
2. Interviews with the complainant, the victim, and/or the alleged perpetrator. At no time during an investigation under this policy shall the victim be required to meet with the alleged perpetrator;
3. Interviews with any identified witnesses;
4. Final analysis and issuance of findings in writing to the victim and bully and, if applicable, implementation of victim protection measures and disciplinary measures under this or other applicable policies. Investigations shall be completed within 60 calendar days unless the administrator documents good cause for extending the deadline. Such documentation should be sent to victim and alleged perpetrator during the investigation.

DISCIPLINARY & CORRECTIVE MEASURES

Students that the District has found to have violated this policy shall be subjected to disciplinary consequences and/or corrective measures. When determining the appropriate responses to violations of this policy, administration shall take into account the totality of circumstances surrounding the violation. Measures that may be imposed include, but are not limited to:

1. Require the student to attend detention.
2. Create a behavioral adjustment plan.
3. Recommend alternative placement. This recommendation shall be submitted to the Superintendent for approval or denial. The Superintendent may approve such recommendations only if the student has been given notice of the charges against him/her and an opportunity to respond.

4. Impose in-school or out-of-school suspension or recommend expulsion. Due process procedures contained in the district's suspension and expulsion policy shall be followed.
5. Refer the student to a school counselor.
6. Hold a conference with the student's parent/guardian and classroom teacher(s), and other applicable school staff.
7. Modify the perpetrator's schedule and take other appropriate measures (i.e., moving locker) to minimize contact with the victim.
8. If applicable, contact the administrator of the website on which the bullying occurred to report it.

If the misconduct does not meet this policy's definition of bullying, it may be addressed under other district disciplinary policies.

For bullying initiated off campus and received on campus (i.e., cyber bullying), the District only has authority to impose disciplinary measures if the bullying substantially disrupted the educational environment or posed a true threat. In all other cases of off campus bullying received on campus, the District may only take corrective measures as described in items five through eight above.

If the perpetrator is a school staff member, the District shall take appropriate disciplinary action including, but not limited to: a reprimand, modification of duties (only if allowed by applicable policy, the negotiated agreement, and/or the individual's contract), suspension, or a recommendation for termination/discharge in accordance with any applicable law.

VICTIM PROTECTION STRATEGIES

When the District confirms that a violation of this policy has occurred, it should notify the victim's parents and shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the totality of the circumstances surrounding the bullying incident(s) or other violations of this policy. Strategies may include, but not limited to, the following:

1. Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
2. Notice to the victim's teachers and other staff to monitor the victim and his/her interaction with peers and/or the assignment of a staff member to escort the student between classes.
3. Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.
4. Referral to counseling services for the victim and perpetrator.
5. Modification of the perpetrator's schedule and other appropriate measures imposed on the perpetrator (not the victim) to minimize the perpetrator's contact with the victim.