

<b>Eagle Butte School District</b>	<b>NEPN Code: JFCD</b>
<b>Policy Manual</b>	

## **BULLYING**

### **SECTION 1 – Policy Statement**

The school is committed to maintaining a constructive, safe, and bullying-free school climate that is conducive to all students' educational opportunities and which fosters an environment in which all students are treated with respect and dignity. Bullying can inhibit a student's educational opportunities and may also have long-term negative effects on a student. Bullying of students shall not be tolerated and is strictly prohibited. Bullying of students from other schools who are at a school activity, parents/guardians, school employees, guests, visitors, volunteers, and vendors of the school shall also not be tolerated and is strictly prohibited.

This policy shall not be interpreted or applied to prohibit civil exchange of opinions or debate protected under the state or federal constitutions if the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others. However, conduct which substantially interferes with the work of the school, causes material and substantial interference with school work and discipline, and might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities is not constitutionally protected speech and is therefore prohibited under this policy.

All students, parents/guardians, employees, guests, visitors, volunteers, and vendors shall conduct themselves in a civil and responsible manner and in a manner consistent with school policies related to student, parent/guardian, employee, and visitor conduct. This policy prohibiting bullying shall apply to all students, parents, employees, guests, visitors, volunteers and vendors while on school property, while attending or participating in school activities, on school-owned property or on non-school property, while in any school-owned or leased vehicle, while at a school bus stop, or when in a private vehicle located on school property during school, or during school activities.

The school shall investigate all reported instances involving bullying. Unless a different person is designated by the Superintendent to conduct the investigation, the Principal of the school attendance center where the bullying is alleged to have occurred is responsible for investigating the alleged bullying. Allegations of bullying may also be reported by the administration to other authorities, including but not limited to law enforcement.

Students who violate this policy shall be subject to appropriate disciplinary action, up to and including expulsion. Employees who violate this policy shall be subject to appropriate disciplinary action, up to and including termination of employment. Parents, guests, visitors, volunteers, and vendors who violate this policy may be prohibited from being on school property.

Pursuant to state law:

- A. any school employee, school volunteer, student, or parent/guardian who promptly reports in good faith an act of bullying to the appropriate school official as designated in school policy, and who makes the report in compliance with the

provisions of the policy, is immune from any cause of action for damages arising from failure to remedy the reported incident, and

- B. no cause of action is created against the school, school employee, school volunteer, student, or parent/guardian unless there has been substantial noncompliance with the school's policy which results in injury to a person.

The school will maintain confidentiality to the maximum extent possible under the circumstances. However, a person reporting bullying conduct must understand that should the administrator who is investigating the report determine there is reasonable cause to suspect that bullying did occur which could result in administrative discipline in accordance with the disciplinary matrix, the person alleged to have abused the other person may have the right to know the identity of the person(s) making the report in order that they may have an opportunity to defend themselves.

The school strictly prohibits retaliation against any person because they have made a report, testified, assisted, or participated in the investigation of a report of alleged bullying. Retaliation includes, but is not limited to, any form of verbal or physical reprisal or adverse pressure. The person(s) alleged to have bullied another person shall not directly or indirectly (such as through another person) harass, pressure, or retaliate against any other person because of the complaint being reported. A violation of this provision may lead to separate disciplinary action based on the retaliation. Any person who believes they are being subjected to retaliation because of his or her involvement with a bullying report should immediately contact a school administrator.

*Complaints against school employees and complaints related to Sexual Harassment are addressed through other school policies and not through this policy.*

## **SECTION 2 – Bullying Defined**

- A. Bullying is an intentional isolated act or pattern of repeated conduct toward another person that is sufficiently severe and offensive to a reasonable person, and
  1. has the purpose or effect of creating an intimidating, hostile or offensive school environment for one or more students, parents/guardians, employees, guests, visitors, volunteers or vendors, and/or
  2. has the purpose or effect of substantially or unreasonably interfering with a student's educational opportunities (i.e., academic, co-curricular activities, extra-curricular activities, and social opportunities, etc. within the school environment), employee's and volunteer's work environment or performance, or access by parents/guardians, guests, visitors or vendors, and/or
  3. places a person in reasonable fear of harm to their person or damage to their property, and/or
  4. causes physical hurt or psychological distress to a person, and/or
  5. constitutes retaliation against any person for asserting or alleging an act of bullying, and/or
  6. disrupts the orderly operation of a school.
- B. Bullying conduct includes threats, intimidation, physical violence, theft, destruction of property, hazing, stalking (SDCL 22-19A-1), harassment (SDCL 22-19A-4), and threatening or harassing contact by telephone, or other communication devices,

commonly referred to as cyberbullying (SDCL 49-31-31). Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by the school for conduct determined to meet the definition of bullying in SDCL 13-32-15.

1. Hazing defined: any verbal or physical act or acts done on school property or at a school activity which directed toward another person and done for the purpose of initiation into any group, regardless of whether the group is a school sanctioned organization, when the act or acts causes or may create a reasonable risk of causing mental, emotional or physical harm to the person who is the recipient of the act or acts.
2. Stalking defined: willfully, maliciously, and repeatedly following or harassing another person; making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or willfully, maliciously, and repeatedly harassing another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.
3. Harass defined: a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose.
4. Threatening or harassing contacts by telephone or other electronic communication device defined: using or knowingly permitting a telephone or other electronic communication device under their control for any of the following purposes:
  - (1) to contact another person with intent to terrorize, intimidate, threaten, harass or annoy such person by using obscene or lewd language or by suggesting a lewd or lascivious act,
  - (2) to contact another person with intent to threaten to inflict physical harm or injury to any person or property,
  - (3) to contact another person with intent to extort money or other things of value,
  - (4) to contact another person with intent to disturb that person by repeated anonymous telephone calls, electronic messages, or intentionally failing to replace the receiver, or disengage the telephone connection.

### **SECTION 3 – Reporting Procedure**

Any individual who believes that they have been or are being subjected to bullying or has reason to suspect another person has been or is being subjected to bullying should immediately report it to one of the following persons:

1. Teacher
2. Assistant Principal/Dean of students
3. School Principal
4. School Counselor
5. Dorm manager
6. Superintendent.

The report may be made verbally or in writing. Complaints can be written out and delivered to one of the above people, or a parent/guardian or community member may report by

calling (including anonymously) or emailing one of the above persons. Though a report may be made anonymously, disciplinary action may not be based solely on an anonymous report. If disciplinary action is being requested, the individual reporting the bullying will be asked to either submit a signed written complaint verifying the accuracy of its content. The written complaint must include the following:

1. the date the written complaint was filed or was completed,
2. the name of the school employee receiving the complaint (if applicable),
3. the name of the person reporting the bullying,
4. the contact information of the person reporting the bullying,
5. the specific conduct or nature of the bullying complaint including the person(s) alleged to have bullied the complaining party or another person, the date(s) and location where the conduct occurred, witnesses, etc.,
6. the date and signature of the person reporting the bullying.

If the signed written complaint is given to a teacher, or if the report was completed by a teacher, the teacher shall forward the complaint to the teacher's building principal.

#### **SECTION 4 – Procedure for Addressing Bullying Complaints**

Should there be a report which alleges a school student, parent/guardian, employee, guest, visitor, volunteer, or vendor has been subjected to bullying, an investigation into the alleged bullying will be initiated. The investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct negatively affects the educational opportunities or employment condition of the victim, identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification from other persons. The investigation shall be conducted promptly and completed in a reasonable time frame given the nature of the complaint.

The person alleged to have bullied another person in violation of this policy shall be afforded an opportunity to respond to the allegation of bullying but is not required to submit a response.

Pending the outcome of the investigation the school administrator responsible for conducting the investigation may take such action consistent with school policy, the school's disciplinary matrix, and state law as deemed appropriate in order to facilitate the investigation and protect the rights of all persons involved.

Adopted: April 16, 2015

Revised: February 13<sup>th</sup>, 2023