

ANTI-BULLYING

Bullying is **prohibited** by the School Corporation ("Corporation"). Students who commit any acts of bullying are subject to discipline, including but not limited to suspension, expulsion, arrest, and/or prosecution.

Definition

"Bullying" is defined as overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically); physical acts committed; aggression; or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student, creating for the targeted student an objectively hostile school environment that:

- (1) places the targeted student in reasonable fear of harm to his or her person or property;
- (2) has a substantially detrimental effect on the targeted student's physical or mental health;
- (3) has the effect of substantially interfering with the targeted student's academic performance;
or
- (4) has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, or privileges provided by the Corporation.

Bullying does **not** include, and should not be interpreted to impose any burden or sanction on, the following:

- a) participating in a religious event;
- b) acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger;
- c) participating in an activity consisting of the exercise of a student's freedom of speech rights;
- d) participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
- e) participating in an activity undertaken at the prior written direction of the student's parent;
or
- f) engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

“Bullying,” as defined by this policy and state law, does **not** include actions involving employees. Any behaviors committed by, towards, or amongst Corporation employees should be reported to the employee’s supervisor, building principal, or Superintendent.

Applicability

The Corporation prohibits bullying in all forms. This policy may be applied regardless of the physical location in which the bullying behavior occurred, whenever the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within the Corporation and disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment. The Corporation prohibits bullying through the use of data or computer software that is accessed through any computer, computer system, or computer network.

Bullying behaviors based on the targeted individual’s race, color, national origin, sex, gender, religion, or disability may be investigated and processed according to the Nondiscrimination/Anti-Harassment Policy.

Education

The Corporation will provide training and/or instruction on anti-bullying prevention and policy to all students in grades 1 through 12, as well as employees, in accordance with Indiana law.

Commented [Au1]: D.A. recommends including K-12 instead of 1-12 as we offer kindergarten. This would help avoid confusion as to whether we do or do not provide training to kindergarten students.

Reporting

Anyone who believes that a student has possibly been or is the victim of bullying is encouraged to **immediately** report the situation to an appropriate employee such as a teacher, school counselor, or administrator (including the Superintendent). All employees, volunteers, and contracted service providers who observe or receive a report of suspected bullying shall notify a designated school administrator in charge of receiving reports of suspected bullying within the same day. If an employee does not know who to make a report to, he or she should report directly to the building principal or Superintendent. Bullying reports to the Department of Child Services and/or law enforcement must be made as required by law, such as when an employee believes that a student is the victim of abuse or neglect. Any person who makes a report of bullying and requests to remain anonymous will not be personally identified as the reporter or complainant to extent permitted by law. The Corporation will act appropriately to discipline employees, volunteers, or contracted service providers who receive a report of bullying and fail to initiate or conduct an investigation of a bullying incident, and for persons who falsely report an incident of bullying. The Corporation will act appropriately to discipline students, employees, visitors, or volunteers who make false reports of bullying.

Investigation

Once a report of suspected bullying is received by the designated school administrator, an expedited investigation shall follow. The investigation should be facilitated by the designated school administrator or other appropriate school employees. Information relating to the investigation will be gathered using means including, but not limited to: witness interviews, request for written witness statements, record identification and review, and an assessment of whether bullying occurred. The investigation will be initiated within one (1) school day of the report to the designated school administrator and will ordinarily be completed within ten (10) school days.

Intervention/Responses

If a report of suspected bullying is substantiated through an investigation, then The Corporation shall take appropriate intervention and responses as consistent with policy and procedure. The Corporation will take prompt and effective steps reasonably calculated to stop the bullying, remedy the bullying, and prevent the bullying from recurring. Consistent with other legal obligations, the Corporation will prioritize the safety of the target of the bullying including transferring the bully or target to another school within the Corporation. Interventions and responses include, but are not limited to: separating the bully and the target; follow-up school counseling for the target; bullying education for the bully; and prompt disciplinary action against the bully. These steps should not penalize the target of the bullying. Disciplinary actions against the bully may include, but are not limited to: suspension and expulsion for students; discharge for employees; exclusion for parents, guests, volunteers, and contractors; and removal from any office for governing body members. Also, if the acts of bullying rise to the level of serious criminal offense the matter may be referred to law enforcement. The Corporation shall inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services.

Parental Involvement

Parents are encouraged to be involved in the process of minimizing bullying. Parents may review any materials used in any bullying prevention or suicide prevention program employed by the Corporation. Parents should report suspected acts of bullying to an appropriate school official. In addition, parents of students suspected of bullying will be notified with a phone call or through other appropriate means of communication. Conversely, parents of students suspected of being the target of acts of bullying will also be notified with a phone call or through other means of appropriate communication. Parent notifications will occur in an expedited manner within two (2) school days after the designated school administrator receives the report of suspected bullying. Parents of students who are disciplined for acts of bullying will be involved in the disciplinary process consistent with the law and Corporation policy.

Reporting to IDOE

Commented [A2]: HEA 1483 (2023) requires the Corporation's anti-bullying policy to include "provisions that require a school to prioritize the safety of the victim." And further that the anti-bullying policy *may* include provisions to determine "whether an incident of bullying may warrant the transfer of the victim or the alleged perpetrator to another school in the school corporation."

NOTE: Other legal considerations may often prevent a school from transferring one or both of the parties due to a bullying allegation. Examples include Title IX (cannot discipline or remove unless threat assessment conducted), 1st Amendment/*Mahoney* (cannot discipline for most out-of-school speech), or IDEA/504 (legal protections prevent change of placements).

Commented [Au3R2]: D.A. reviewed

Commented [A4]: New language required by HEA 1483. The language of the enrolled act reads as follows:

"The discipline rules described in subsection (a) must include policies to allow a parent of a child in the school corporation to review any materials used in any bullying prevention or suicide prevention program."

Commented [Au5R4]: D.A. Reviewed

Each school within the Corporation will record and report to the Superintendent or his or her designee the frequency of bullying incidents in the following categories: verbal bullying, physical bullying, social/relational bullying, and electronic/written communication bullying (or a combination or two or more of the above categories). The Superintendent or his or her designee shall report the number of bullying incidents by category for each school and the entire corporation for each school term to the Indiana Department of Education by July 1.

I.C. 20-33-8-13.5

West Lafayette Community School Corporation

Adopted: [date]

Revised: [date]