

**Anti-Bullying Policy**

The purpose of this policy is to assist the Fargo Public School District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior, which explicitly includes, but is not limited to the following characteristics: race, color, religion, sex, sexual orientation, national origin, age, mental or physical disability, gender expression/identity, genetic information, or status with respect to marriage or public assistance, or status in any group protected by federal, state or local law.

**Online Reporting Form**

[Anti-Bullying Reporting Form](#)

**General Statement of Policy**

An act of bullying, by either an individual student, a group of students, or a teacher, staff member, or administrator, is expressly prohibited on school district property or at school-related functions, including school buses and by electronic means. This policy also applies conduct that substantially disrupts or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

The Fargo Public School District will act to investigate all complaints of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

No teacher, administrator, volunteer, contractor, or other employee of the school district shall commit, permit, condone, or tolerate bullying through their direct or indirect behavior.

Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

Retaliation against a victim, a good faith reporter, or a witness of bullying is prohibited.

False accusations or reports of bullying against another student are prohibited.

A person who engages in an act of bullying, reprisal, or false reporting of bullying shall be subject to discipline.

Likewise a person who commits, permits, condones, or tolerates bullying shall be subject to administrative intervention and response for that act in accordance with school district's policies and procedures. The school district may take into account the following factors:

- The developmental and maturity levels of the parties involved;
- The levels of harm, surrounding circumstances, and nature of the behavior;
- Past incidences or past or continuing patterns of behavior;
- The relationship between the parties involved; and
- The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions up to and including suspension and/or expulsion. Employees who permit, condone, or

tolerate bullying behaviors, or engage in an act of reprisal or intentional false reporting of bullying, can be subject to disciplinary action up to and including termination or discharge. Consequences for individuals other than students or those employed by the district engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

### Definitions

Per NDCC 15.1-19-17, "Bullying" means:

- a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
  - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - (2) Places the student in actual and reasonable fear of harm;
  - (3) Places the student in actual and reasonable fear of damage to property of the student; or
  - (4) Substantially disrupts the orderly operation of the public school; or
- b. Conduct received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
  - (1) Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - (2) Places the student in actual and reasonable fear of harm;
  - (3) Places the student in actual and reasonable fear of damage to property of the student; or
  - (4) Substantially disrupts the orderly operation of the public school; or
- c. Conduct received or sent by a student through the use of an electronic device while the student is outside a public school, off school district premises, and off school district owned or leased property which:
  - (1) Places the student in actual and reasonable fear of:
    - (a) Harm; or
    - (b) Damage to property of the student; and
  - (2) Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school.

"Conduct" includes the use of technology or other electronic media.

The definition includes three important components:

- Bullying is aggressive behavior that involves unwanted negative actions
- Bullying involves a pattern of behavior repeated over time
- Bullying involves an imbalance of power or strength

### Reporting Procedure

Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to school district officials (teachers, administrators, coaches/advisors or other employees). A student may report bullying anonymously. While the district will conduct an investigation in good faith, action may or may not be taken against an alleged perpetrator based solely on an anonymous report.

A teacher, school administrator(s), volunteer, contractor, or other school employee shall be particularly

alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall take action to stop the act of potential bullying and report it immediately to an appropriate school district employee. In each school building, the building principal is the person responsible for receiving oral or written reports of bullying. Any school district employee who receives a report of bullying shall inform the building principal. An appropriate employee could be any support staff or certified staff member of a school building or district location. Failure to report could have disciplinary consequences. Complaints must be filed within statutory deadlines contained in law (NDCC 14-02.4-19, 28CFR 35.170 and 34 CFR 100.7)

The Fargo Public School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

A substantiated charge against a school district staff member will subject such member to disciplinary action, which may include possible discharge. A substantiated charge against a student in the school district will subject that student to disciplinary action, which may include suspension or expulsion, consistent with the student disciplinary policies.

### **School District Action**

Upon witnessing or having received a report of bullying the district employee or volunteer's first level of action is to intervene in an appropriate manner. Each individual is responsible to provide positive behavioral support to the persons involved.

Upon receipt of a report of bullying, the principal will request a written statement. This written statement of the alleged facts will be forwarded within 48 hours by the principal to the to the Superintendent or his/his designee. If the report was given verbally, the principal will personally provide a written summary within 48 hours and then forward it. If the complaint involves the building principal, the complaint will be made or filed directly with the Human Resources Office or with the Superintendent. A same-sex administrator will hear the complaint if requested.

In the District, the Human Resources Director is the district's officer for the receipt of reports or complaints of bullying. If the complaint involves the Human Resources Officer, the complaint will be filed directly with the Superintendent. District Office employees, warehouse employees, administrative level employees or other staff members who are not supervised by a building principal, or another designated supervisor may file a report directly with the Human Resources Officer.

A student or adult who believes he/she is a victim of bullying on a school bus, or any student or adult, who witnesses such action on a school bus, will report the incident to a school employee. The employee will then refer the report to the principal of the school the alleged victim attends or to the Transportation Coordinator if the alleged perpetrator is a bus driver or bus aide.

### **Investigation Procedures**

By the authority of the School District, the building principal, direct supervisor, or Human Resources Officer upon receipt of a report or complaint alleging bullying, either verbal or written, shall immediately undertake or authorize an investigation. In any case in which any one or more of the following circumstances exist, an outside-the-building district investigator will be used.

1. The building level administrator who would normally be responsible for the investigation expresses a concern about his/her ability to be unbiased;

2. The supervisor(s) of the building level administrator perceive a potential conflict or bias that would recommend a different investigator;
3. The complainant, because of some past experience or history expresses a concern about the person who would normally be assigned to investigate.

**Initiating Complaint Resolution Procedure**

After receiving a bullying complaint or gaining knowledge of potentially bullying conduct, the building principal, direct supervisor, or Human Resources Officer shall contact the complainant/victim, determine if an investigation is appropriate, and determine if the complainant/victim requests confidentiality. The building principal, direct supervisor, or Human Resources Officer shall confirm if the investigation shall be an informal or formal process. Additionally, the building principal, direct supervisor, or Human Resources Officer will confirm the complainant/victim request for confidentiality.

**Prohibition on Meeting with the Accused**

At no time during the informal or formal resolution process shall the complainant be required to meet with the accused. If any school official listed in this regulation as responsible for conducting or overseeing the investigation is the accused, the Superintendent, or Board President (if the Superintendent is the accused) shall designate a different individual (which may be a third party) to carry out the accused's responsibilities associated with the investigation.

**Third-Party Assistance**

School officials responsible for conducting/overseeing bullying investigations are authorized to receive assistance from the district's legal counsel throughout the process.

**Investigation Timeframes**

The resolution procedure shall be completed within 30 days of a responsible employee reporting the complaint or incident to the Superintendent or his/her designee unless the investigator documents reasons for delays and communicates these reasons with the complainant and accused.

**Interim Measures**

Pending the final outcome of an investigation, the District shall institute interim measures to protect the complainant and inform him/her of support services available. These interim measures should have minimum impact on the complainant.

**Resolution Procedure**

The fact-gathering portion of the investigation shall be carried out by the building principal, direct supervisor, or Human Resources Officer and shall consist of interviews with the complainant, the accused, and any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged complaint and may involve gathering and review of information relevant to the complaint. Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses shall be instructed not to discuss this matter with others.

The fact-gathering portion of the investigation shall be completed within 15-20 calendar days or as soon as practical. After gathering this information, the investigator shall determine if a recommendation for expulsion for an accused student or discharge for an accused teacher should be made. If this recommendation is made, the hearing shall be held in accordance district policy and law, except that both the complainant and accused shall have an equal right to attend the hearing, have parents/spouse (for employees) and a representative present, present evidence, and question witnesses. The

complainant may choose to watch the hearing remotely and appoint a representative to participate in the hearing in his/her stead.

Whenever alleged bullying may have constituted a crime, the Superintendent should contact law enforcement concerning sharing of evidence and coordination of the investigation.

### **Investigation Report**

After the fact-gathering process and, if applicable, hearing is complete, the Superintendent or his/her designee (if a hearing was held) shall complete a written report containing a determination of whether allegations were substantiated, whether the bullying policy was violated, and recommendations for corrective action, if any. These determinations shall be made on a case-by-case basis. The building principal, direct supervisor, or Human Resources Officer shall assess if a violation of this policy occurred based on, but not limited to, the following criteria:

1. Whether evidence suggests a pattern of conduct supporting or disproving the allegations of bullying
2. Whether behavior meets the definition of bullying
3. Ages of the parties involved
4. Relationship between the parties involved
5. Severity of the conduct
6. How often the conduct occurred, if applicable
7. How the District resolved similar complaints, if any, in the past.

The investigation letter shall indicate if any measures shall be instituted to protect the complainant. Such measures may include, but not be limited to, extending any interim protection measures taken during the investigation. The letter shall also inform the complainant of support services available.

The investigation letter shall contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

The resolution listed in the investigation report shall be final; however, nothing shall prevent the parties from seeking judicial redress through a court of competent jurisdiction or through any applicable state or federal complaint procedures.

### **Disciplinary Action**

Upon receipt of an investigation letter which indicates that the complaint is valid, the Superintendent or his/her designee shall review the findings and recommendation of the building investigator and confirm or determine the appropriate disciplinary action if the individual(s) against whom the complaint is filed is an employee. Disciplinary action shall be appropriate to the severity of the bullying or retaliation and may include warning, referral of an employee to the Employee Assistance Program, suspension, resignation, or discharge.

If a substantiated complaint is filed against a student, the building principal shall determine the appropriate disciplinary action. Parents shall be notified consistent with policies dealing with discipline and due process procedures. Disciplinary action shall be appropriate to the severity of the bullying or retaliation and may include warning, suspension, or expulsion.

The results of the investigation will be reported in writing to the complainant by the principal or Superintendent or his/her designee within ten working days following the receipt of the investigation report which validated the complaint.

Bullying violations may be handled by the student's classroom teacher or by a school official with disciplinary authority when the student is not under the supervision of a classroom teacher. If the teacher/school official did not witness the bullying behavior, s/he will investigate to determine if the student was in violation of this policy.

Continued violations of bullying conduct are to be responded to immediately and in addition, such offenses shall be reported to the building administrator(s). A teacher or school official referring a student to the building administrator(s) as a result of a potential violation shall complete a report of bullying or harassment (if deemed appropriate) for the principal to review.

The administrator(s) shall conduct further investigation as deemed necessary and shall include his/her findings on the report. This report may be placed in the student's educational record at the administrator's discretion in accordance with applicable policy and law. If a violation is substantiated, the administrator(s) is authorized to respond (but is not limited to) invoking one or more of the following options:

- Teach/Reteach the appropriate behavior
- Contact the student's parents – initially via the phone
- Develop a behavior adjustment plan (i.e., fix-it plan, apology plan, and restitution plan)
- Implement restorative practices (i.e., social emotional learning plan, and post-conflict resolution programs-restorative circles)
- Hold a conference with the student's parent/guardian
- Restrict or withdraw student privileges
- Refer the student to a school counselor
- Create a behavioral adjustment plan
- Hold a conference with the student's parent/guardian and classroom teacher
- Require the student to attend detention
- Impose in or out of school suspension
- Explore alternative placement within the current school setting; (e.g., alternative schedule, change of setting within the building)

The following action(s): extended suspension, expulsion, and alternative placement outside of the immediate building may only be taken in accordance with due process procedures contained in the district's suspension and expulsion policy and thus these recommendations shall be submitted to the Assistant Superintendent for approval or denial.

### **Reporting to Law Enforcement and Other Forms of Redress**

Anytime a school staff member has reasonable suspicion that a bullying incident constituted a crime, s/he shall report it to law enforcement. Also, nothing in this policy shall prevent a victim/his/her family from seeking redress under state and federal law.

### **Reprisal**

The Fargo Public School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

Fargo Public School District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any

person who makes a good faith report of alleged bullying or participates in an investigation, a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.

**Victim Protection**

When the District confirms that a violation of this policy has occurred, it shall 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 be limited to, the following:

- Additional training for all students and applicable staff on implementation of this policy and/or bullying prevention.
- 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.
- Assignment of district staff to monitor, more frequently, areas in the school where bullying has occurred.
- Referral to counseling services for the victim and perpetrator.
- Modification of the classroom assignment/schedule(s) and other appropriate measures imposed to minimize the contact between a perpetrator and the victim.

**Prevention**

It is important that all students and employees understand what constitutes bullying or retaliation and their right to report unwelcome behavior. Supervisors should educate those within their building regarding this policy and should be watchful for behavior, which fits the description of bullying or retaliation. Employees who witness such behavior as a third party have a responsibility to report it in accordance North Dakota Century Code 15.1-19-20.

**Document Retention**

All investigation reports will be filed with the appropriate Associate Superintendent.

*Students*

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 graduates 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.

*Staff*

For employees, investigation reports shall be retained by the District during the time of employment and six years post-employment. In accordance with NDCC 15.1-17-04, notice must be provided if a complaint against a teacher, an individual for whom the teacher is administratively responsible, or a staff member will be placed in the personnel file. The school principal, administrator, or school district superintendent shall inform the employee of the complaint.

**Employee Assistance Program**

For persons employed by the school system who are involved in a bullying accusation or incident of bullying or retaliation, the Fargo School District provides the Employee Assistance Program (EAP). The intent of this program in this case would be to help the employee deal with the psychological effects of being involved in the process.

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**Non-Web Based  
BULLYING RESPONSE FORMAT**

• **Bullying is defined by the victim/target, not by the bully.** Bullying means any physical, written or verbal expression (including the use of electronic technologies) or pattern that is intended to cause or does cause distress to one or more students. It includes three important components: \*Bullying is aggressive behavior that involved unwanted negative actions \*Bullying involves a pattern of behavior repeated overtime \*Bullying involves an imbalance of power or strength

• **Responding to bullying with bullying is not acceptable.**

**Complainant:** \_\_\_\_\_

**Home Address:** \_\_\_\_\_

**School:** \_\_\_\_\_

**Summary of the Alleged Complaint/Conduct**

Date(s) on which alleged conduct occurred:

**Student/grade or Employee (circle)**

**Phone:** \_\_\_\_\_

**Date:** \_\_\_\_\_

2. Names of witnesses (please specify whether employee, student, or other):

3. Name(s) of the alleged offender(s) (If known) Please Print

4. Where did the incident happen (choose all that apply)

On school property

On a school bus

On the way to/from school

At a school sponsored activity or event off school property

5. Describe in detail the specific incident(s) that are the basis of this complaint. Include verbal statements (e.g. threats, demands), or physical threats that are relevant. (Use additional sheets if needed.)

6. Identify the behavior or the types of behavior using the following check sheet

**Verbal Aggression:**

- Name calling
- Mocking, teasing, or using sarcasm
- Intimidating phone calls
- Spreading rumors
- Threats
- Making noises at someone

**Intimidation:**

- Publicly challenging others to do something they don't want to do
- Playing a dirty trick
- Taking things
- Demanding money or other things

**Electronic:**

- Text messaging or photos
- Instant messaging
- Social networking (My Space, Face Page, Xanga)
- Telephone calls

**Emotional:**

- Excluding
- Tormenting
- Hiding or taking things
- Threatening gestures
- Ridicule
- Staring

**Physical Aggression:**

- Pushing
- Kicking
- Punching
- Slapping
- Tripping
- Pinching
- Spitting

**Sexual:**

- Touching
- Dirty jokes or sexual language
- Unwanted flirting
- Inviting out on dates or to go steady when they've said they are not interested
- Name calling

**Racial:**

- Derogatory comments or name calling about physical, behavioral, or cultural differences

**Written:**

- Threatening or inappropriate notes or drawing

Did a physical injury result from the incident?

No     Yes, but it did not require medical attention     Yes, medical attention was required

7. Was the student victim/target absent from school as a result of the incident?     Yes  
 No  
If yes, how many days?

What actions would you request be taken for restitution/recovery?

**CERTIFICATION**

I certify that the statements made in this complaint are true and accurate, and that I have read and understand the statements made in the acknowledgments section of the complaint.

\_\_\_\_\_  
Signature of Complainant