

**TITLE:** 0211R Safe and Respectful Learning Environment

**PURPOSE AND BACKGROUND:** To establish procedures for the reporting and investigating of bullying and cyber-bullying

**APPLICABILITY:** Pupils, employees and Board members

**MONITORING RESPONSIBILITY:** Title IX Officer & all staff

**OUTLINE OF PROCEDURE:**

I. DEFINITIONS

- A. “Harassment” means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person; and (a) is intended to cause or actually causes another person to suffer serious emotional distress; places a person in reasonable fear of harm or serious emotional distress; or creates an environment which is hostile to a pupil by interfering with the education of a pupil.
- B. “Intimidation” means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person; and poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person; places a person in reasonable fear of harm or serious emotional distress; or creates an environment which is hostile to a pupil by interfering with the education of the pupil.
- C. “Bullying” means a willful act which is written, verbal, physical or electronic, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person or group of persons repeatedly over time or a single severe incident to one or more negative actions which are highly offensive to a reasonable person and intended to physically harm a person or damage a person’s property; places the person in reasonable fear of harm or serious emotional distress; or creates a hostile or intimidating environment or substantially interferes with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school based upon actual or perceived race, color, national origin, ancestry, religion, gender identification or expression, sexual orientation, physical or mental disability, sex or any other distinguishing characteristic or background or association with another person having one or more of those actual or perceived characteristics. Such negative actions may include, without limitation:
  - 1. Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identification or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;

2. Behavior that is intended to harm another person by damaging or manipulating his/her relationships with others by conduct that includes, without limitation, spreading false rumors;
  3. Repeated or pervasive non-verbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;
  4. Threats of harm to a person, to his/her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;
  5. Blackmail, extortion or demands for protection money or involuntary loans or donations;
  6. Blocking access to any property or facility of a school;
  7. Stalking; and
  8. Physically harmful contact with or injury to another person or his/her property.
- D. "Cyber-bullying" means bullying through the use of electronic communication. The term includes the use of electronic communication to transmit or distribute a sexual image of a minor or an image of bullying committed against a minor with the intent to encourage, further or promote bullying and cause harm to the minor. As used in this section, "sexual image" means any visual depiction, including, without limitation, any photograph or video of a minor simulating or engaging in sexual conduct or of a minor as the subject of a sexual portrayal.
- E. "Electronic communication" means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication.

## II. NOTICE THAT BULLYING, CYBER-BULLYING, HARASSMENT AND/OR INTIMIDATION ARE PROHIBITED

The Superintendent shall use all reasonable means to inform students, employees and parents/legal guardians that the District will not tolerate harassment, intimidation, bullying or cyber-bullying. The District shall include the text of the provisions of NRS 388.125 to 388.135, inclusive, and the policy adopted by the Board of Trustees under the heading "Harassment, Intimidation, Bullying and Cyber-Bullying is Prohibited in Public Schools" within each copy of the Parent/Student Handbook.

## III. REPORTING VIOLATIONS OF NRS 388.135

- A. Staff Members Required to Report Violations to Principal

A teacher, administrator, principal, coach or other staff member who witnesses a violation of NRS 388.135 or who receives information that a violation has occurred shall report the violation to the principal/designee as soon as practicable, but not later than the same day on which he/she witnessed the violation or received information regarding the occurrence of a violation.

#### B. How to Report

1. Employees should report the bullying incident to the principal/designee either in person or by phone. It may be reported via email only if the employee receives an actual acknowledgement that the report was received. If the employee does not receive a quick response to the email, he/she should attempt to report in person or by phone. Employees should never report via text message or Sprigeo.
2. Each school must set up a chain of command for reporting. This includes designating an on-call administrator to receive reports after school hours, on weekends or holidays. If the employee witnessed or was informed of the incident after school hours, on a weekend or holiday, the employee must still report it the same day to the on-call administrator.
3. Upon receipt of an alleged bullying violation, the principal/designee shall immediately take any necessary action to stop the bullying or cyber-bullying and to ensure the safety and well-being of the reported victim(s) and shall begin the investigation.

Those eligible to be designees for the purposes of this law include Assistant/Associate Superintendents, Directors, Principals, Assistant Principals or Deans and must be the person the principal actually designates. The following may not be appointed as designees: School Resource Officers, teachers, counselors or support staff.

NOTE: The Nevada Department of Education's Office for a Safe and Respectful Learning Environment shall maintain a 24-hour toll-free statewide hotline and website by which any person can report a violation. Violations will then be forwarded to the District.

#### C. Reporting to Law Enforcement

Law enforcement must be notified if a crime has been committed or if there is a threat of serious bodily harm. Involvement of law enforcement does not excuse the responsibility of school administration to follow the required procedures for a reported act of bullying.

### IV. NOTIFICATION

- A. The investigation must include, without limitation, notification by phone, electronic mail or other electronic means or in person to parents/legal guardians of all pupils

directly involved in the reported bullying or cyber-bullying, either as the reported aggressor(s) or victim(s) [see scripts for letters, phone calls or emails]. If contact information for parents/legal guardians is incorrect, a good faith effort shall be deemed sufficient to meet the notification requirement (if documented).

B. Notification to the parents/legal guardians must be made no later than:

1. ~~6:00 p.m. on the day on which the incident is reported if reported before the last bell;~~ or the school day of the day on which the bullying or cyber-bullying is reported, if that day is a school day; or
2. ~~6:00 p.m. on the day following the day on which the incident was reported if that day was not a school day or after the last bell.~~ the school day following the day on which the bullying or cyber-bullying is reported, if that day is not a school day.

NOTE: The report must still be made to the principal/designee on the day the incident occurred.

## V. INVESTIGATION

- A. The investigation must include, without limitation, interviews with all pupils directly involved in the incident as well as their parents/guardians.
- B. The investigation must be completed not later than 2 days after the principal/designee receives the report. If unable to complete interviews within 2 school days after making a good faith effort due to the unavailability of any of the persons, 1 additional school day may be used to complete the investigation (document efforts to make contacts to establish a good faith effort). Regardless of whether or not the principal/designee was able to interview all parties, the investigation must be completed no later than 3 school days using the information available.
- C. The principal/designee shall complete a written report of the findings and conclusions of the investigation, using the forms provided by the District. If a violation is determined, the report to the parent/legal guardian of the aggressor must include recommendations concerning disciplinary action or other measures to be imposed. Such action may include counseling, awareness training, parent-teacher conferences, warning, transfer, suspension or expulsion. The written report must be made available to parents/legal guardians who must be notified as part of the investigation no later than 24 hours after completion.
- D. Due to student privacy laws, personally identifiable student information will not be included in the report. If disciplinary action is imposed, the actions taken will be included in the file of the disciplined student due to FERPA. Contact the parents/legal guardians of the students directly involved to notify them the written report is available at the school for review. If the parent/legal guardian is unable to come to the school, other means may be utilized.

- E. Not later than 10 school days after receiving a bullying or cyber-bullying report, the principal/designee shall meet with each reported victim to inquire about his/her well-being and to ensure the bullying has not continued.
- F. If bullying has been found to have occurred, the parent/legal guardian of a student who is a victim may request that the student be assigned to a different school in the school district. Upon receiving such a request, the school district shall, in consultation with the parent/legal guardian of the student, assign the student to a different school.

## VI. APPEALS

Parents/legal guardians desiring to appeal the decision of the principal/designee may file a complaint with the Nevada Department of Education no later than 30 days after receiving a response.

A parent/legal guardian may petition a court of competent jurisdiction for a writ of mandamus to compel the performance of any duty imposed by the provision of Nevada bullying laws.

Employees: Complaints against an employee must be investigated and addressed by the District. Appeals may be filed at the Office of Safe and Respectful Learning Environment.

## VII. FAILURE TO REPORT

### Failure to Report

The Director of the Office for Safe and Respectful Learning Environment shall investigate any complaint that a teacher, administrator, principal, coach, other staff member or school board member has violated a provision of NRS 388.121 through 388.145 and SB 504, sections 2 through 4.

If an administrator, principal or the designee of an administrator or principal of a school knowingly and willfully fails to comply with the provisions of NRS 388.1351, the Superintendent shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy. If the employee is the holder of a license issued pursuant to NRS Chapter 391, the Superintendent may recommend to the Board of Trustees that the Board submit a recommendation to the State Board for the suspension or revocation of the employee's license.

The District may discipline other licensed employees with a suspension, demotion, dismissal or non-reemployment without prior admonition if they knowingly and willfully fail to comply with the provisions of NRS 388.135. An intentional failure to report a bullying violation shall constitute a knowing and willful failure to comply with the provisions of NRS 388.1351. For negligently failing to report a bullying violation, the District may use progressive discipline but may not immediately

demote or dismiss without a prior admonition.

#### VIII. TRAINING

Nevada Department of Education's Office for Safe and Respectful Learning Environment shall provide training for pupils, parents/legal guardians, teachers, administrators, principals, coaches, other staff members and Board members.

#### IX. SCHOOL SAFETY TEAM

The principal/designee of each school shall establish, and serve as chair of, a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying; conduct investigations of violations of NRS 388.135 occurring at the school; and collaborate with the board of trustees and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school. Each school safety team must consist of the principal/designee and the following persons appointed by the principal: a school counselor, at least one teacher who teaches at the school, at least one parent/legal guardian of a pupil enrolled at the school, and any other persons appointed by the principal.

The team shall meet at least two times each year; identify and address patterns of bullying and cyber-bullying; review and strengthen school policies to prevent and address bullying and cyber-bullying; provide information to school personnel, pupils enrolled in the school and parents/legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and, to the extent money is available, participate in training conducted by the District regarding bullying and cyber-bullying.

#### X. RETALIATION

A school official shall not directly or indirectly interfere with or prevent the disclosure of information concerning a violation of NRS 388.135. As used in this section, "school official" means a member of the Board of Trustees or a licensed or unlicensed employee of a school district. No cause of action may be brought against a pupil, employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

#### XI. RECORD KEEPING

The principal/designee shall assure that a record of any complaint and investigation of harassment, intimidation, bullying or cyber-bullying, the disposition of the complaint, and any disciplinary or remedial action is maintained in a confidential file. The principal/designee shall assure that parties directly involved in the incidents are notified whether allegations were substantiated, whether a violation of NRS 388.135 occurred, and whether action was taken as a result.

~~On or before January 1 and June 30 of each year, the principal of each public school shall submit a report to the Superintendent/Designee on the violations of NRS 388.135 which were reported during the previous semester. The report must include, without limitation:~~

- ~~• The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which were reported during that period; and~~
- ~~• Any actions taken at the school to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.~~

~~The Superintendent/Designee shall review and compile the reports submitted, provide a copy to the Board of Trustees and, on or before August 1, submit a compilation of the reports to the Department of Education.~~

References: NRS 200.471, 200.481, 200.571, 200.575, 200.737, 200.900, 207.190, 207.260, 388.121-139, 389.520, 391.313 & 392.915  
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