

## **Dealing with Allegations of Bullying – Safe and Respectful Working/Learning Environment - AR**

### **1. Bullying**

- a. Bullying is defined in state law as follows (NRS 388.122)

“Bullying” means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

- 1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;
- 2) Places the person in reasonable fear of harm or serious emotional distress; or
- 3) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

- b. Bullying can be recognized through the following examples of misconduct:

Bullying is usually characterized by a formal or informal power imbalance between the bully and the victim, where the bully unjustly uses power to hurt or harm the victim and the bully repeats the hurtful or harmful misconduct. Increased power need not be actually present, but there must be at least a perceived advantage for the bully, either physical or psychological (e.g., intellectual, economic, and/or socially stronger). Every disagreement or physical fight among children does not amount to bullying. What distinguishes bullying from other forms of childhood aggression is unequal power.

Bullying can be accomplished by slandering, ridiculing, or maligning a student or their family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism. It can also include pushing, shoving, kicking, poking, tripping, assaulting, or threatening physical assault against a person, or damaging their property. It can include gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a school-related activity. Finally, bullying can be accomplished by deliberate and willful sabotage which prevents a student’s class work from getting done or from being graded; deliberately tampering with a student’s textbooks, computer, or other instructional material in order to negatively impact the victim’s education.

### **2. Cyber-Bullying**

- a. Cyber-bullying is defined in state law as follows (NRS 388.123):

“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.

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 (NRS 388.124).

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 (NRS 200.737).

Sexual portrayal means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political, or scientific value (NRS 200.700).

- b. Cyber-bullying can be recognized through the following examples of misconduct:  
Cyber-bullying can include the electronic transmission or tormenting, humiliating, or embarrassing written, audio, or visual material, including sexual images or other pornographic material, or otherwise targeting a person using electronic mail, instant messaging, text messaging, or other type of digital technology including social networking web sites.

### 3. Harassment

- a. Harassment is defined in state law as follows (NRS 388.125):  
“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:
  - 1) Is intended to cause or actually causes another person to suffer serious emotional distress;
  - 2) Places a person in reasonable fear of harm or serious emotional distress; or
  - 3) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

- b. Harassment can be recognized through the following examples of misconduct:  
Generally, harassment involves misconduct that is a response to the victim as a person with characteristics that are different from the harasser, including differences in race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of these characteristics. The specific examples of misconduct provided under the “bullying” section can also be examples of harassment when the misconduct is targeted based upon the victim’s characteristics.

Sexual misconduct can include unwelcome advances, words, demands for sexual favors, touching, sexual graffiti, sexual gestures, sexual or dirty jokes, discussing one’s sexual activity in front of others, spreading rumors about or rating others as to sexual activity or performance.

Harassment based on race, ethnicity, disability, gender stereotyping, or other characteristics can include name-calling, jokes, rumors; notes, cartoons; slurs, stereotypes, hostile acts based on an individual’s characteristics; written or graphic material containing offensive comments which is posted or circulated and aimed at degrading individuals; and aggressive conduct motivated by an individual’s characteristics.

4. Intimidation

- a. Intimidation is defined under state law as follows (NRS 388.129):

“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:

- 1) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;
- 2) Places a person in reasonable fear of harm or serious emotional stress; or
- 3) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

- b. Intimidation can be recognized through the following examples of misconduct:

Intimidation generally involves misconduct where the perpetrator attempts to coerce the victim into doing or not doing something by means of threat, which may or may not be carried out. The intimidation may be accomplished, for example, by direct threats of physical harm or violence, by verbal insults, by impeding or blocking movement, or by placing objects or graffiti on the property of the victim with the purpose to frighten. The specific examples of misconduct provided under the “bullying” section can also be examples of intimidation when the misconduct is for a coercive purpose to make the victim do something or to make something happen.

5. Hostile Environments

An environment that is hostile because it interferes with the education of the student when students experience disruptive, threatening, or harassing situations that are sufficiently severe or pervasive to alter the conditions of the student’s education. Examples include severe or pervasive misconduct that directly interferes with other students’ learning experience by disrupting the classroom routine and interfering with students’ ability to pay attention in class and concentrate on their schoolwork. Bullying, harassment, and intimidation, can result in low self-esteem, fear of school, and poorer attitudes toward school in general. Students who are victimized by this severe or pervasive misconduct may adopt strategies to protect themselves, including not participating in class, dropping out of school activities, or skipping class or school. Students who feel unsafe in school as a result of bullying, harassment, and/or intimidation may have difficulty adjusting, emotionally and socially, to the school environment, which could directly influence their ability to engage themselves in and do well at school, and grades and other educational performance measures may suffer.

6. Requirements and Methods for Reporting Violations of NRS 388.135

Any employee who is the target of bullying, cyber-bullying, harassment, and/or intimidation must report any incident(s) to the principal or principal’s designee, or to the District Title IX Director. Any school district employee who witnesses or receives a report, formal or informal, written or oral, that bullying, cyber-bullying, harassment, and/or intimidation has occurred at school, at a school-sponsored event, or on a school bus, shall report the incident(s) to the principal or the principal’s designee. If the report involves a school principal, the school district Superintendent, or a member of the Board of Trustees, the reporter shall make a report directly to the District Title IX Director.

The report of a violation must be made verbally to the principal or designee noted above on the day which the employee witnessed the violation or received information regarding the occurrence of a violation. Each school principal shall advise employees of the means by which the principal may be contacted on any day when an employee witnesses a violation or receives information that a violation of NRS 388.135 has occurred.

The intentional failure to report a violation of NRS 388.135 is a basis for which a teacher may be suspended, dismissed, or not reemployed and an administrator may be demoted, suspended, dismissed, or not reemployed under NRS 391.312.

**7. Investigation Requirements**

The principal or his/her designee shall initiate an investigation not later than one day after receiving notice of the violation. The investigation must be completed within ten days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the District. See policy GCD and GDC.

**8. Professional Development**

The superintendent or his/her designee shall develop methods of discussing the meaning and substance of the regulation with staff in order to help prevent bullying, cyber-bullying, harassment, and intimidation. In addition to informing staff and students about the district policy, the superintendent shall assure that the following professional development is provided to all administrators, principals, teachers, and other personnel employed by the school district:

- a. Awareness concerning the various types of bullying, cyber-bullying, harassment, and/or intimidation; how this misconduct manifests itself; and the devastating emotional and educational consequences of this misconduct.
- b. Training in the appropriate methods to facilitate positive human relations among students without the use of bullying, cyber-bullying, harassment, and intimidation so that pupils may realize their full academic and personal potential;
- c. Methods to improve the school environment in a manner that will facilitate positive human relations among students; and
- d. Methods to teach skills to students so that the students are able to replace inappropriate behavior with positive behavior.

**9. Reporting to Board of Trustees and Nevada Superintendent of Public Instruction**

On or before January 1 and June 30 of each year, the principal of each public school will submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

- a. The number of violations of NRS 388.135 occurring at the school or otherwise involving a student enrolled at the school which are reported during that period; and
- b. 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 and programs that were implemented.

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On behalf of the board of trustees, the superintendent will review and compile these reports and annually submit a compilation of the reports to the Nevada Department of Education, including a report of the number of incidents of bullying, cyber-bullying, harassment, and intimidation resulting in suspension or expulsion.

Reference: NRS 200.700, NRS 200.737, NRS 388.122, NRS 388.123, NRS 388.124, NRS 388.125, NRS 388.129, NRS 388.135, NRS 391.312