

**BOARD OF TRUSTEES  
CHURCHILL COUNTY SCHOOL DISTRICT**

**SAFE AND RESPECTFUL LEARNING ENVIRONMENT FREE FROM  
BULLYING AND CYBER-BULLYING**

The Churchill County School District (District) is committed to providing all students and employees with a safe and respectful learning environment free from bullying and cyber-bullying. The District prohibits a member of the Board of Trustees (Board), any employee of the Board, including, without limitation, a Superintendent, an administrator, principal, teacher, coach, or other personnel of the school district, a member of a club or organization which uses any District facilities, regardless of whether the club or organization has any connection to the school, or any student from engaging in bullying or cyber-bullying on the premises of any public school, at a school-sponsored event regardless of the location, while on school or District business, or on a school bus. This also includes conduct off property that materially and substantially affects and disrupts school operations or causes school officials to reasonably believe it will do so.

**The proper authority will promptly investigate allegations of such misconduct in accordance with state law and take disciplinary action when appropriate.**

**DEFINITIONS AND EXAMPLES**

For purposes of this regulation:

**A. Bullying**

1. Bullying means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:
  - a. Have the effect of:
    - Physically harming a person or damaging the property of a person; or
    - Placing a person in reasonable fear of physical harm to the person or damage to the property of the person; or
  - b. Interfere with the rights of a person by:
    - Creating an intimidating or hostile educational environment for the person; or
    - Substantially interfering 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; or

- c. Are acts or conduct described in paragraph (a) or (b) and are based upon the:
  - Actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person; or
  - Association of a person with another person having one or more of those actual or perceived characteristics.
2. The term includes, without limitation:
  - 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 identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;
  - Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;
  - Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;
  - Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;
  - Blackmail, extortion or demands for protection money or involuntary loans or donations;
  - Blocking access to any property or facility of a school;
  - Stalking; and
  - Physically harmful contact with or injury to another person or his or her property.

**B. Examples of Misconduct that may Constitute Bullying or Cyber-Bullying**

Bullying can be accomplished by slandering, ridiculing, or maligning an employee, 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. Bullying can be accomplished by deliberate and willful sabotage which prevents a student's class work from getting done or from being graded or which interferes with or prevents an employee's work from getting done; deliberately tampering with a student's textbooks, computer, or other instructional material in order to negatively impact the victim's education.

### **C. Cyber-bullying**

1. 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, among other things, 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 (lewd, morbid or illicit) interest in sex and which does not have serious literary, artistic, political or scientific value. (NRS 200.700)

2. Cyber-bullying can be recognized through the following examples of misconduct:

Cyber-bullying can include the electronic transmission of 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 any other type of digital technology including social networking web sites.

### **D. Hostile Environments**

An environment that is hostile because it interferes with the education of the student exists 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 and cyber-bullying 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 the result of bullying or cyber-bullying 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. Severe or pervasive misconduct toward employees may interfere with work and cause absences or adjusting mechanisms harmful to the efficient and safe operations of the schools and school district.

#### **NOTIFICATION BY DISSEMINATION OF POLICY AND TRAINING**

The Superintendent shall use all reasonable means to annually disseminate materials and inform students, employees, and parents/guardians that the school district will not tolerate bullying or cyber-bullying. The Superintendent shall report to the Board annually regarding dissemination of materials and training efforts. The District shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, and the reporting procedures for violations outlined under section C of Policy 5410 within each copy of the rules of behavior for students that the school district provides to students.

In addition, this policy and administrative regulation shall be included in student and employee handbooks.

#### **REQUIREMENTS AND METHODS FOR REPORTING VIOLATIONS OF NRS 388.135**

Any person who believes that he or she has been a victim of bullying or cyber-bullying, as defined by NRS 388.122, 388.123, 388.125, or 388.129, by any or all individuals specified in NRS 388.135, is encouraged and instructed to adhere to the following reporting mechanism:

##### **A. Students**

Students who are targets of bullying or cyber-bullying and students who have first-hand knowledge of such misconduct are encouraged to report any incident(s) to a teacher, counselor, or school administrator.

##### **B. Employees**

Any employee who is the target of bullying or cyber-bullying must report any incident(s) to the principal or the principal's designee, or to the superintendent.

When a complaint of bullying or cyber-bullying is made to the Superintendent after going through the appropriate chain of command, the Superintendent will promptly notify the Board of the complaint.

A District teacher, administrator, principal, coach or other staff member who witnesses a violation of this administrative regulation, the accompanying policy, or NRS 388.135, or who receives information of such a violation, shall report the violation to the principal or the principal's designee as soon as practicable, but not later than a time during the same

day on which the teacher, administrator, principal, coach or other staff member witnessed the violation or received information regarding the violation.

If the report involves a school district administrator, the reporter shall make the report to the Superintendent. If the report involves the Superintendent, the reporter shall make the report to a member of the Board. If the report involves a member of the Board, the reporter shall make the report to the Superintendent. 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.

### **C. Reporting of Violent Acts<sup>1</sup>**

Every employee is required to report immediately any acts of violence or any threat of violence against any individual. Employees who witness or become aware of any acts or threats of violence must notify their supervisor immediately. Threats or acts of violence may include:

- Discussing weapons or bringing them to the workplace.
- Displaying overt signs of extreme stress, resentment, hostility, or anger.
- Making threatening remarks.
- Sudden or significant deterioration of performance.
- Displaying irrational or extremely inappropriate behavior.

The intentional failure to report a violation of this policy 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.

### **NOTICE AND INVESTIGATION REQUIREMENTS**

The principal or designee receiving a report of a violation of NRS 388.135 shall provide notice of the reported violation by telephone, electronic mail or other electronic means or in person, to the parent or legal guardian of all students directly involved in the reported bullying or cyber-bullying. If the bullying or cyber-bullying is reported before the end of school hours on a school day, the notice must be provided before the school's administrative office closes on the day on which the bullying or cyber-bullying is reported. If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, the notice must be provided before the school's administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported. If the contact information for the parent or guardian of a student in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the notification requirement.

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<sup>1</sup> For an additional policy covering violence, please refer to P5136.1.

The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation.

The principal or designee, upon receiving a report of a violation, shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report.

The principal or designee, upon receiving a report of a violation, shall immediately begin an investigation into the report. In the case of a violation alleged against a student, the investigation must be completed within **2 school days** after the date on which the principal or designee receives a report of a violation. If the principal or designee is not able to complete the required interviews after making a good faith effort because any of the persons to be interviewed is not available, one (1) additional school day may be used to complete the investigation. If the principal or designee does not have access to the reported victim, the principal or designee may wait until the next school day when he or she has such access to take the action required in this section.

If a law enforcement agency is investigating a potential crime involving an alleged violation of NRS 388.135, the administrator or designee may, after providing notification to the parent or guardian, defer the investigation required until the completion of the criminal investigation by the law enforcement agency. If the administrator or his or her designee defers an investigation, the administrator or designee shall immediately develop a plan to protect the safety of each student directly involved in the alleged violation and, to the extent the law enforcement agency has provided information about the projected date for completion of its investigation, provide the parents or guardians of each involved student with that information.

The District will respect the privacy of the complainant, the individual against whom the complaint is filed, and the witnesses as much as possible, consistent with the district's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

The investigation may be conducted by district officials or by a third-party designated by the District.

Investigations must include interviews with the students directly involved in the reported bullying or cyber-bullying and with the parents or guardians of those students. The investigation may also include personal interviews with others who may have knowledge of the alleged incidents or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

A principal or designee who conducts an investigation as required by this policy shall complete a written report of the finding and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance

with policies governing disciplinary action. Subject to the Family Educational Rights and Privacy Act, the report must be made available not later than 24 hours after its completion to all parents or guardians of students directly involved in the violation.

In determining whether alleged conduct constitutes a violation of this administrative regulation and the accompanying policy, the proper authority should consider the surrounding circumstances; the nature of the behavior; past incidents, post incidents, or continuous patterns of behavior; the relationships between the parties involved; and the context in which the alleged incidents occurred. Whether a particular actual incident constitutes a violation of this administrative regulation and the accompanying requires a determination based on all the facts and surrounding circumstances.

To the extent that information is available, the principal or designee shall provide as soon as practicable through electronic or other means a list of any resources that may be available in the community to assist a student to each parent or guardian of a student who was directly involved in the reported bullying or cyber-bullying. Such a list may include, without limitation, resources available at no charge or at a reduced cost.

The principal, designee or individual authorizing the investigation will inform the subject of the bullying when the investigation is complete and, when applicable, that appropriate actions have been taken.

Not later than 10 school days after receiving a report, the principal or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

The parent or guardian of a student involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or their designee as a result of the violation in accordance with Policy 5135.2 (in cases of long term suspensions or expulsions) or by contacting the Superintendent with a parent complaint in accordance with Policy 4138, "Complaints Against School Personnel."

If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a student who is a victim of bullying or cyber-bullying may request that the Board assign the student to a different school in the school district. Upon receiving such a request, the Board, in consultation with the parent or guardian, shall assign the student to a different school if an appropriate alternative exists in the district.

If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

If the principal or designee determines that a violation of NRS 388.135 was caused by the disability of the student who committed the violation, the provisions of Sections D, 1-9 of this Regulation do not apply to the same or similar behavior if the behavior is addressed in the student's individualized education program. The principal or designee shall take

measures necessary to protect the safety of the victim of the violation.

The reporting, notice and investigation provisions of this regulation do not apply to a violation of NRS 388.135 committed by a student who is enrolled in prekindergarten if the behavior is addressed through measures intended to modify it.

The reporting, notice and investigation provisions of this regulation do not apply to a violation of NRS 388.135 committed by an employee against another employee of the school district or by an adult who is not a student or employee of the school district against another such adult.

The Superintendent shall take disciplinary action by written admonishment, demotion, suspension, dismissal or refusal to reemploy an administrator or principal or the designee of an administrator or principal who knowingly and willfully fails to comply with the reporting and investigating procedures outlined in this administrative regulation, the accompanying policy, and the provisions of NRS 388.1351.

#### **STUDENT APPEAL PROCEDURES**

The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with Policy and Regulation 5135.2 (in the case of long-term suspension and expulsion) or 4138 (in all other cases).

#### **PROFESSIONAL DEVELOPMENT**

The district superintendent shall provide for the appropriate annual training of all trustees, administrators, principals, teachers and all other personnel employed by the Board in accordance with NRS 388.1342.

The superintendent or his or her designee shall develop methods of training, educating and discussing the meaning and substance of this regulation with staff in order to help prevent bullying and cyber-bullying. 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:

- Awareness concerning the various types of bullying and cyber-bullying; how this misconduct manifests itself; and the devastating emotional and educational consequences of this misconduct.
- Training in the appropriate methods to facilitate positive human relations among students without the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;
- Methods to improve the school's safe and respectful environment in a manner that will facilitate positive human relations among students and staff; and



- Methods to teach skills to students so that the students are able to replace inappropriate behavior with positive behavior.

#### **REPORTING IN ACCOUNTABILITY REPORT**

In compliance with NRS 385.3469 and 385.347 and on behalf of the Board, the superintendent will review and compile the following information to be included in the annual accountability report for each school in the district and the district as a whole:

- The number of reported violations of NRS 388.315 occurring at a school or otherwise involving a pupil enrolled at a school regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;
- The number of incidents determined to be bullying or cyber-bullying; and
- Any actions taken to reduce the number of incidents of bullying and cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

ADOPTED: 9/26/96 (5410 Students)

REVIEWED: 11/14/07

REVISED: 12/14/98, 11/10/08, 12/21/09, 5/08/14, 9/08/16, 10/24/17

LEGAL REFERENCE(S): NRS 388.121 et seq./NRS 391.312/200.737/200.700/391.312

REVIEW RESPONSIBILITY: Superintendent