

Davidson Academy Policies

Prohibiting Discriminatory Harassment or Bullying of Students on the Basis of Sex, Race/Color/National Origin, and Disability

SAFE AND RESPECTFUL LEARNING ENVIRONMENT (SRLE)

I. Bullying and Cyber-bullying are Prohibited in Public Schools

- A. The Davidson Academy is committed to providing a safe and respectful learning environment in which persons of differing beliefs, characteristics, and backgrounds can realize their full academic and personal potential. It is the intent of this policy to ensure that all administrators, principals, teachers, and other personnel of the Davidson Academy demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying and cyber-bullying.

Definitions

1. **"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 repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:
 - a. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;
 - b. Exploits an imbalance in power between the person engaging in the act or conduct and the person who is the subject of the act or conduct;
 - c. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;
 - d. Places the person in reasonable fear of harm or serious emotional distress; or
 - e. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.
 2. **"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. As used in this policy, "sexual image" has the meaning ascribed to it in NRS 200.737.
 3. **"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.
- B. A member of the Davidson Academy governing board, any employee of the Davidson Academy, including, without limitation, an administrator, teacher, or other staff member, a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, or any pupil shall not engage in bullying or cyber-bullying on the premises of any public school, at an activity sponsored by a public school, or on any school bus.
- C. It is the intent of this policy that all persons in the Davidson Academy are entitled to maintain their own beliefs and to disagree respectfully without resorting to bullying, cyber-bullying, or violence. This policy does not advocate nor require the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but does require that all persons with differing beliefs be free from abuse.
- D. The Davidson Academy will provide for the appropriate training of all administrators, teachers, and all other personnel employed by the Davidson Academy as prescribed by this policy under the heading "Professional Development."

II. Notice that Bullying and Cyber-Bullying Are Prohibited in Public Schools

The Davidson Academy shall include definitions of bullying and cyber-bullying and the reporting procedures for pupil violations (see Section III below) within each copy of the rules of behavior for pupils that the Davidson Academy provides to pupils. The Davidson Academy shall also post this policy on its Internet website at <http://www.DavidsonAcademy.unr.edu>. Upon the request of a parent or legal guardian, the Davidson Academy shall provide a parent or legal guardian with a written copy of the policy.

III. Requirements and Methods for Reporting Violations; Investigations

Reporting Violations

A. Any person who believes that he or she has been a victim of bullying or cyber-bullying by a member of Davidson Academy governing board, any employee of the Davidson Academy, including, without limitation, an administrator, teacher, or other staff member, a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, or any pupil is encouraged and instructed to adhere to the following reporting mechanism:

1. **Pupils.** Davidson Academy pupils who are targets of bullying or cyber-bullying and pupils who have first-hand knowledge of such bullying or cyber-bullying should report any incident(s) to a teacher, counselor, or school administrator.
2. **Employees.** A teacher or other staff member who witnesses a violation of the prohibition on bullying and cyber-bullying, or receives information that a violation has occurred (including overhearing, or receiving a report, formal or informal, written or oral, of bullying or cyber-bullying) shall verbally report the violation to the principal or designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

School Director Investigations

The school director or designee shall initiate an investigation not later than 1 day after receiving notice of the violation.

- A. The school director or designee shall provide written notice of a reported violation to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the school director or designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the director or the designee any counseling and intervention services that are available to the pupil.
- B. The investigation must be completed within 10 days after the date on which the investigation was 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 Davidson Academy governing board.

Members of the Davidson Academy governing board and Davidson Academy employees are prohibited from directly or indirectly interfering with or preventing the disclosure of information concerning violations.

Appeal of Disciplinary Decision

The parent or legal guardian of a pupil involved in the reported violation may appeal a disciplinary decision of the school director or designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the Davidson Academy governing board.

Immunity for Reporting Violations; Disciplinary Action for Certain Persons

No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of the prohibition on bullying and cyber-bullying, unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

If a principal determines that a report of a violation is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of

the law, the school director may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the Davidson Academy governing board.

Davidson Academy Policy for Employees to Report Violations to Law Enforcement

The Davidson Academy governing board, in conjunction with local law enforcement agencies that have jurisdiction over the Davidson Academy and with school police, if applicable, shall establish a policy for the procedures which must be followed by an employee of the Davidson Academy when reporting a violation of the prohibition on bullying and cyber-bullying to a school police officer or local law enforcement.

IV. Professional Development

The Davidson Academy shall provide for the appropriate training, of all administrators, teachers and all other personnel employed by the Davidson Academy in accordance with this policy, including, without limitation, training on the following topics:

- A. Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential.
- B. Training in methods to prevent, identify, and report incidents of bullying and cyber-bullying.
- C. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils.
- D. Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

V. School Safety Team

- A. The school director or designee shall establish a school safety team to develop, foster and maintain a school environment which is free from bullying and cyber-bullying.
- B. The school director or designee shall conduct investigations of violations of the prohibition on bullying and cyber-bullying occurring at the school.
- C. The school director or designee shall collaborate with the Davidson Academy governing board and school safety team to prevent, identify and address reported violations of at the school.
- D. The School Safety Teams must consist of the school director or designee (committee chair) and the following persons appointed by the principal:
 - 1. School counselor;
 - 2. At least one teacher at the school;
 - 3. At least one parent or guardian of a student enrolled in the school; and
 - 4. Any other persons appointed by the school director.
- E. The School Safety Team shall:
 - 1. Meet at least two times each year;
 - 2. Identify and address patterns of bullying or cyber-bullying;
 - 3. Review and strengthen school policies to prevent and address bullying or cyber-bullying; and
 - 4. Provide information to school personnel, pupils, and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying.

Legal Reference(s)

[NRS 388.121](#) *et seq.*

Normal Conflict Versus Bullying

Some conflict is normal. However, bullying is not normal conflict. While "normal" conflict occurs at any place or time, is accidental and often between friends, bullying behaviors generally occur where the

person bullying feels safe engaging in power-seeking behavior which is intentionally harmful and directed at someone else. Because bullying differs from normal conflict, it requires different and specific prevention and intervention strategies.

Those Involved in Bullying

- The person(s) who exhibits bullying behaviors (bully, perpetrator)
- The person(s) who exhibits target behaviors (target, victim)
- The person(s) who observes bullying (bystanders, witnesses)

All victims/targets and bystanders/witnesses of bullying incidents involving Davidson Academy students should report any and all bullying incidents to the Guidance Counselor, Director, or an adult staff member. All reports of bullying will be taken seriously and addressed in an appropriate manner as determined by Davidson Academy administration. The progressive discipline policy will be applied to any bully/perpetrator (see [Discipline Policy](#)), and may also apply to any bystander/witness who fails to inform an adult staff member when an instance of bullying behavior has taken place. In addition, interventions on behalf of targets/victims and follow-up with bystanders/witnesses will be determined by Davidson Academy administration on a case-by-case basis.

Bullying - Parent Involvement Makes a Difference

Advice for parents and family members of children who engage in bullying behaviors includes:

- Consider this a serious behavior concern and let your child know in a calm manner that the behavior is not acceptable.
- Attempt to open up the conversation with your child to discuss more acceptable behaviors. Give your child opportunities to practice the expected behaviors.
- Often children who engage in bullying behaviors do not recognize and respond to the feelings of others appropriately.
- Provide opportunities to teach your child empathy skills – recognizing and responding to another person's feelings.
- If the school contacts you regarding the behavior of your child, be prepared to work with the school to help change the behaviors of your child.
- A collaborative plan that is implemented at home and school will have greater impact on changing behaviors.
- Encourage and model respectful behaviors for your child.

See RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND/OR RETALIATION

DISCRIMINATION

The Davidson Academy does not discriminate on the basis of race, color, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, or gender identity or expression, or any other category protected by applicable state or federal law in its programs and activities. Sex discrimination includes sexual harassment and sexual violence, and these actions are strictly prohibited. Discrimination is defined as a failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. It is the unfair treatment or denial of normal privileges to persons because of their actual or perceived race, color, religion, national origin, ancestry, disability, age, marital status, sex, sexual orientation, or gender identity or expression. See RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND/OR RETALIATION."

HARASSMENT

The Davidson Academy does not permit harassment. [NRS 388.125](#) defines "harassment" to mean 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:

- 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 the pupil.

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.

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.

Sexual harassment can include unwelcome sexual advances, words, requests for favors and other verbal, nonverbal or physical conduct of a sexual or gender-directed nature when:

- submission is made either explicitly or implicitly a term or condition of a student’s educational progress,
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that student’s education,
- conduct or communication that has the purpose or effect of substantially or unreasonably interfering with a student’s education or of creating an intimidating, hostile or offensive educational environment, (an “intimidating, hostile or offensive educational environment” means an environment in which any unwelcome behavior with sexual connotations makes a student feel uncomfortable, humiliated, or embarrassed and/or any aggressive, harassing behavior in the educational setting directed toward an individual based on his/her sex and interferes with his/her ability to perform in an educational environment).

The following are some examples of sexual harassment or intimidation:

- sexual advances that are unwanted (this may include situations between students which began as reciprocal, but later ceased to be reciprocal),
- sexual gestures, verbal abuse, sexually-oriented jokes, innuendos or obscenities,
- displaying of sexually suggestive objects, pictures, cartoons, or posters,
- sexually suggestive letters, notes, threats, or invitations,
- benefits effected in exchange for sexual favors,
- physical conduct such as assault, attempted rape, impeding or blocking movement, or unwelcome touching, and/or hazing, or daring to engage in unsafe practices.

See SEXUAL HARASSMENT for prohibitions on sexual harassment. See RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND/OR RETALIATION. See SAFE AND RESPECTFUL LEARNING ENVIRONMENT for specific information on cyber-bullying and harassment.

RETALIATION

The Davidson Academy prohibits retaliation against any employee or student because he or she has made a report of bullying, cyber-bullying, harassment, or intimidation, or because he or she has testified, assisted, or participated in the investigation of such a report. Such retaliation is a violation of this policy prohibiting bullying, cyber-bullying, harassment, and intimidation, and the Davidson Academy will take disciplinary action when appropriate.

Forms of prohibited retaliation include, but are not limited to, adverse educational or employment actions, threats, bribes, unfair treatment or grades, continued harassment, ridicule, pranks, taunting, bullying, malicious spreading of rumors, dissemination of false information, and organized ostracism regarding the student’s actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, disability and/or religious preference.

See RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND/OR RETALIATION.

SEXUAL HARASSMENT

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- submission is made either explicitly or implicitly a term or condition of a student's educational progress,
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that student's education,
- conduct or communication that has the purpose or effect of substantially or unreasonably interfering with a student's education or of creating an intimidating, hostile or offensive educational environment, (an "intimidating, hostile or offensive educational environment" means an environment in which any unwelcome behavior with sexual connotations makes a student feel uncomfortable, humiliated, or embarrassed and/or any aggressive, harassing behavior in the educational setting directed toward an individual based on his/her sex and interferes with his/her ability to perform in an educational environment).

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See RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND/OR RETALIATION.

RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT, AND/OR RETALIATION

Reporting and Investigation Timelines

1. **Students.** It is the policy of the Davidson Academy to encourage students who are targets of bullying, cyberbullying, harassment, and/or intimidation and students who have first-hand knowledge of such bullying, cyber-bullying, harassment, and/or intimidation to report such claims. Students should report any incident(s) to a teacher, counselor, or school administrator.
2. **Employees.** Any Davidson Academy employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of bullying, cyber-bullying, harassment, and/or intimidation at school, at a school-sponsored event, or on a school bus, shall verbally report it to the Director or the Director's designee on the same day the violation was witnessed or information on the violation was received.
3. The Director or designee shall initiate an investigation not later than one day after receiving notice of the violation. The investigation must be completed within ten (10) days after the date on which the investigation was 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 discipline policy of the Davidson Academy. See the grievance procedure described below.
4. The parent or guardian of a student involved in the reported violation of [NRS 388.135](#) may appeal a disciplinary decision of the Director or designee as a result of the violation in accordance with the grievance procedure described below.

Grievance Procedure

Because parents, educators and members of the public share the goal of making school experiences rewarding for students, it is in the best interest of all parties to resolve school-related concerns as quickly and effectively as possible. The best solutions are those that involve input from those closest to the concern; typically, the parent and/or guardian, teacher and administrator.

At any time, a student may choose to initiate the following grievance procedure along with any legal right to file a grievance with the Office of Civil Rights or a court of competent jurisdiction. The student will be informed of the options and timelines available to him/her in this grievance procedure. All students are permitted and encouraged to have a parent, counselor or advisor present with them for moral support

during any level of the grievance procedure and investigation. At no time shall a student's reluctance to initiate the grievance procedure be used to delay or excuse the Academy's responsibility to investigate in a prompt and equitable manner, allegations of bullying, cyber-bullying, harassment or intimidation and to report allegations which are violent or of criminal in nature to law enforcement officers.

Levels of response are as follows:

LEVEL I

Individuals with concerns should bring them to the attention of the appropriate staff member and/or Director as quickly as possible. Under [NRS 388.1351.1](#), teachers and other staff members who witness a violation of the prohibition against bullying, cyber-bullying, harassment or intimidation, or receive information that a violation has occurred, must report the violation to the Director or the Director's designee on the day on which the violation is witnessed or the information is received. Under [NRS 388.1351.2](#), the Director or designee must initiate an investigation no later than one day after receiving notice of a violation from a teacher or other staff person. The investigation may be initiated, for example, by meeting with the student or staff member who reported an alleged violation, by conducting a records review, or by any other step taken to gather information about the alleged violation.

Level I consists of informal discussion between the person having a concern and staff at the Academy and/or location of the concern. This meeting must be conducted within five (5) calendar days of receipt of notification of an alleged violation of the prohibition against bullying, cyber-bullying, harassment or intimidation. Additional fact-finding will occur as necessary, including discussions with other students or staff members. The Academy has discretion to conduct a formal investigation of any allegation of bullying, cyber-bullying, harassment, or intimidation even if the student desires an informal resolution under Level I. The meeting and additional fact-finding steps, as necessary, constitute the investigation required under [NRS 388.1351.2](#).

It is not necessary to complete the Complaint Form for Alleged Violations Related to Discrimination, Harassment, and/or Retaliation, if the individuals involved are attempting to resolve, or have resolved, a concern at this level.

A brief summary and outcome of the meeting/investigation/resolution process will be sent to the complainant by the Director within five (5) calendar days of the meeting. This timeline for concluding the meeting and investigation is intended to comply with [NRS 388.1351.2](#), which requires that the investigation be completed within ten (10) days after the investigation is initiated.

The Level I informal resolution process is not a prerequisite to filing a Level II complaint. At the request of the complainant Level I informal resolution process is not a prerequisite to filing a Level II complaint. At the request of the complainant or the Director, additional professional support is available to help mediate Level I issues.

LEVEL II

At Level II, the Academy's [Complaint Form for Alleged Violations Related to Discrimination, Harassment, and/or Retaliation](#) must be filed with the Academy Director. Complainants not satisfied with the Level I resolution may file a formal Level II complaint with the Academy Director within forty-five (45) calendar days of the Level I meeting. If a Level I meeting has not been held, complainants must file a formal complaint with the Academy Director within forty-five (45) calendar days of the alleged bullying, cyber-bullying, harassment or intimidation.

Complainants Not Satisfied with Level I Resolution

If the Level I grievance process has been exhausted, within fourteen (14) calendar days of the original Level II filing, a meeting with the complainant and the appropriate Academy staff will be held. The purpose of the meeting will be to gather additional information about the complaint, identify additional steps as necessary to further investigate the complaint (beyond the investigation conducted in Level I), clarify the complainant's desired outcome, and identify how the complaint will be resolved. Within five (5) calendar days of the meeting, the appropriate staff person will send a report regarding the outcome of the meeting to the complainant, the Director and any relevant staff persons.

If further investigation of the complaint is necessary, the Director's designee will initiate an impartial investigation. The complainant may:

- Provide a list of the names of witnesses who have information about the case,
- Provide any evidence they believe supports their complaint, and
- Have the opportunity to be interviewed and present his/her issues of complaint.

If further investigation is necessary, the investigation shall be completed within twenty (20) calendar days of the meeting. However, if good cause exists, the Academy may extend the time of the investigation with notice to the complainant.

Within thirty (30) days of the meeting, the Director's designee will provide a written response, based on initial and additional investigation findings, if any, to the complainant and the Academy Director. The designee's report will identify the complaint allegations, the witnesses and evidence considered, the findings, and the designee's conclusions. If the investigation finds that the complainant's allegation(s) are substantiated by the evidence, the report will also include a specific plan to provide remediation for the victim, as well as Academy action(s) to address the situation that gave rise to the complaint and prevent future recurrence, as appropriate. The report will also include a notice of the complainant's right to appeal any Level II decision.

Complaints Brought Initially as Level II Complaints

If the Level I grievance procedure has not been used, and the complaint is originally brought as a Level II complaint, the following procedures shall be used.

The Academy's [Complaint Form for Alleged Violations Related to Discrimination, Harassment, and/or Retaliation](#) must be filed with the Academy Director within forty-five (45) calendar days of the alleged bullying, cyber-bullying, harassment or intimidation.

Under [NRS 388.1351.2](#), the Director or designee must initiate an investigation no later than one day after receiving notice of a violation from a teacher or other staff person. The investigation may be initiated, for example, by meeting with the student or staff member who reported an alleged violation, by conducting a records review, or by any other step taken to gather information about the alleged violation.

A meeting will be conducted by the Director or designee and participants will include the person having a concern and staff at the Academy and/or location of the concern. This meeting must be conducted within five (5) calendar days of receipt of notification of an alleged violation of the prohibition against bullying, cyber-bullying, harassment or intimidation.

The Director's designee will initiate an impartial investigation to gather facts, as necessary, including discussions with other students or staff members. [NRS 388.1351.2](#) requires that the investigation be completed within ten (10) days after the investigation is initiated. The complainant may:

- Provide a list of the names of witnesses who have information about the case,
- Provide any evidence they believe supports their complaint, and
- Have the opportunity to be interviewed and present his/her issues of complaint.

The Director's designee will provide a written response, based on the investigation findings, to the complainant and the Academy Director within five (5) calendar days of the completion of the investigation. The designee's report will identify the complaint allegations, the witnesses and evidence considered, the findings, and the designee's conclusions. If the investigation finds that the complainant's allegation(s) are substantiated by the evidence, the report will also include a specific plan to provide remediation for the victim, as well as Academy action(s) to address the situation that gave rise to the complaint and prevent future recurrence, as appropriate. The report will also include a notice of the complainant's right to appeal any decision to Level III in the grievance procedure. The report will also include a notice of the complainant's right to appeal any Level II decision.

APPEAL OF LEVEL II DECISIONS

If the complainant is not satisfied with the Level II disposition, within seven (7) calendar days of receipt of the written resolution of Level II, he/she may appeal in writing to the Academy Director. Within ten (10) calendar days, the Director will review the facts of the case as previously

presented, determine whether additional information is needed and make a final written decision. A copy of the Director's final decision will be sent to the complainant and appropriate staff.

CONFIDENTIALITY

Reports of bullying, cyber-bullying, harassment, including sexual harassment, or intimidation and the investigation are to be kept in strictest confidence, where practical, for the protection of all parties involved. The Academy's obligation to investigate and take corrective action may supersede an individual's right to privacy.

SANCTIONS

Pending the completion of the investigation, the Director or a designee may take any action necessary to protect the alleged victim, consistent with the requirements of applicable regulations and statutes. All parties involved in the investigation shall be notified of the decision of the Director. A substantiated charge against a student shall subject that student to disciplinary action consistent with the Academy's student discipline policy and regulations (see Discipline Policy). Successive violations by a perpetrator shall lead to progressively more severe discipline.

REMEDIATION

Victims and witnesses of bullying, cyber-bullying, harassment, including sexual harassment, and/or intimidation will be provided appropriate and reasonable support services to help deal with the effects of misconduct. Such remedial measures shall not include changing the victim's class or school assignments or extracurricular activities as a means for protection unless specifically requested in writing by the victim and deemed appropriate by the director.