

STUDENT BULLYING AND HARASSMENT

I. Introduction

The District is committed to maintaining a learning and working environment that is free of all forms of bullying and harassment, including sexual harassment, toward or between students and employees, and other persons who may be present in school or at school events. The District will not tolerate bullying or harassment in any form and will take all necessary and appropriate action to eliminate them, up to and including discipline of the offenders.

The District's goals include creating a culture in which bullying and harassment are prevented, and when they do occur, are not tolerated, where students are supported and encouraged to report concerns, and in which students build skills that enable them to assist peers who are harassed or bullied. Accordingly, anti-bullying and anti-harassment efforts have an on-going instructional component for all students, which will not necessarily be associated with any particular incident. However, it is also possible that certain incidents or observed patterns of conduct may cause the District to implement a group-based, class-wide, or school-wide intervention measure that is intended to enhance student awareness, communicate particular concerns, identify and promote desired behaviors, and/or to improve the class or school climate. However, the District will give due consideration to the privacy interests of, and potential negative consequences for, any individual students whenever such interventions are considered.

The District's primary concern in any situation that involves bullying or harassment is for the safety and well-being of the victim/target, and it is the District's goal to provide an adequate and appropriate response. Employees shall use their professional judgment to appropriately scale the nature of the District's response to the nature of the specific incident(s)/concern(s).

II. Definitions

Bullying is deliberate behavior intended to cause fear, intimidation or harm. Bullying usually includes, but is not always limited to, repeated behavior and usually involves an imbalance of power. Bullying behavior can be physical or verbal, direct (name-calling) or indirect (spreading rumors, online insults, excluding someone from activities, etc.), and can occur between students and/or adults.

Harassment refers to physical or verbal conduct, or psychological abuse, by any person that disrupts or interferes with a person's work or school performance, or which creates an intimidating, hostile or offensive work or learning environment. It may occur between students and/or adults.

Bullying and harassment are similar, yet different. Harassment is similar to bullying because someone hurts another person through cruel, offensive and insulting behavior. Harassment is different from bullying in that it is a form of discrimination based on a real or perceived characteristic. In contrast, all conflicts cannot be considered bullying or

harassment. Ideally, most disagreements can be directly resolved between the individuals involved through effective communication and problem-solving.

Examples of bullying and harassment prohibited under this policy include, but are not limited to, the following:

- Physical or mental abuse;
- Verbal comments or other expressions which insult, degrade or stereotype any person or group;
- Physical interference with movement, activities or work;
- Visual harassment, including derogatory cartoons, drawings or posters; and
- Sexual harassment, which is defined as any deliberate, unwanted verbal or physical sexual contact, sexually explicit derogatory statement, or sexually discriminating remark that is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation or which interferes with the recipient's academic or work performance. Sexual harassment can take the form of any unwanted sexual attention, ranging from leering, pinching, patting, verbal comments, display of graphic or written sexual material, and subtle or expressed pressure for sexual activity. In addition to the anxiety caused by sexual demands on the recipient, sexual harassment may include the implicit message from the alleged offender that noncompliance will lead to reprisals. Reprisals may include, but are not limited to, the possibilities of harassment escalation, unsatisfactory academic/work evaluations, difference in academic/work treatment, or unwarranted comments to or by peers.

All forms of bullying and harassment in cyberspace, commonly referred to as “cyber-bullying,” are unacceptable and are violations of this policy. Cyber-bullying includes but is not limited to the following misuses of technology: harassment, teasing, intimidating, threatening, or terrorizing another person or group of people by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, chatrooms, or any other messages via cyber space. For purposes of this policy, “cyberspace” is defined as a global domain within the information environment consisting of the interdependent network of information technology infrastructures, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

In situations in which bullying or harassment originated off school property, or from a non-school computer or telecommunication device, but is brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be disruptive of the education process so that it markedly impedes the daily operations of a school. Such conduct includes, but is not limited to, harassment, bullying or making a threat off school grounds that is intended to endanger the health, safety or property of others at school, District employees or a Board of Education member.

III. Reporting

Any person who believes he/she has been bullied or harassed or has knowledge that a policy violation has occurred may file a complaint in accordance with established complaint procedures. It is the intent of the District to create an atmosphere where complaints will be treated fairly and resolved quickly. If the alleged perpetrator is the

person to whom the complaint would normally be made, the complaint should be made to the next higher administrative authority in the complaint procedure. If a student does not feel comfortable with making the complaint to the designated person, he/she may make the complaint to any other adult employee, who will report the complaint to the appropriate person.

All bullying and harassment complaints shall be taken seriously and properly investigated, and appropriate actions shall be taken to prevent or correct the behavior. There shall be no retaliation against anyone for reporting bullying or harassment or for cooperating in an investigation. Retaliation shall be handled as additional bullying and/or harassment. The District shall respect the confidentiality of both the complainant and the accused consistent with the District's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

Persons who engage in bullying or harassment or retaliatory conduct in violation of this policy shall be subject to disciplinary measures consistent with District policies and procedures and the Employee Handbook.

Notice of this policy will be circulated to all schools and departments in the District on an annual basis and incorporated in student and staff handbooks. Training shall occur as stated in the attached rules. Training shall be provided as specified in the accompanying rules.

Legal References:

Wisconsin Statutes

Section 111.31 [declaration of fair employment policy]

Section 111.32(13) [definition of sexual harassment in employment]

Section 111.321 [prohibited bases for discrimination]

Section 111.322 [discriminatory actions prohibited]

Section 111.36 [sex discrimination prohibited in employment, including sexual harassment]

Section 118.13 [student nondiscrimination]

Section 118.20 [teacher/administrator discrimination prohibited]

Section 120.13(1) [school board power to set conduct rules and discipline students]

Section 947.0125 [unlawful use of electronic communications]

Section 947.013 [harassment prohibited] Section

948.51(2) [hazing prohibited] Section 995.55 [restricted access to personal Internet account]

Wisconsin Administrative Code

PI 9.02(9)[student harassment defined]

PI 9.03(1) [student nondiscrimination policy prohibiting harassment required]

Federal Laws and Regulations Title IX, Education Amendments of 1972 [sex discrimination in educational programs, includes sexual harassment]

Title VI, Civil Rights Act of 1964 [race, color and national origin discrimination]
Section 504 of the Rehabilitation Act [disability discrimination; free and appropriate public education (FAPE) and reasonable accommodations]

Children's Internet Protection Act (CIPA) and Neighborhood Children's Internet Protection Act (NCIPA) [policy and other requirements related to Internet safety]

Title VII of the Civil Rights Act of 1964 [race, color, religion, sex and national origin discrimination prohibited in employment]

Regulations Implementing Title VII of the Civil Rights Act (29 C.F.R. - Part 1604.11) [sex discrimination in employment; sexual harassment]

Regulations Implementing Title IX of the Education Amendments of 1972 (34 C.F.R. - Part 106.51) [sex discrimination in educational programs]

Cross References:

Staff bullying and harassment policy.

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