

Book	POLICY MANUAL
Section	400 STUDENTS
Title	Anti-Bullying and Anti-Harassment
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The District strives to provide a safe, secure and respectful learning environment for all students in school buildings, on school grounds, on school buses, and at school sponsored activities. Bullying or harassing behavior has a harmful social, physical, psychological, and academic impact first and foremost for those individuals who are the victims of the behavior. Bullying or harassment also has a negative consequence for those who engage in the behavior, for the overall school environment, and for the broader community.

Definition of Bullying

As used in this policy, the term "bullying" includes severe, systematic, or repeated conduct, including any written, spoken, nonverbal, or physical behavior or communication, that:

1. Is done with the purpose of threatening, intimidating, or degrading another person, or causing another person fear, physical harm, emotional harm or distress, social isolation, or humiliation; AND
2. The conduct does one or more of the following:
 - a. Substantially interferes with any student's education;
 - b. Substantially interferes with a person's ability to participate in or benefit from any school activity or program;
 - c. Endangers the health, safety, or property of the target(s) of the behavior; or
 - d. Creates a threatening, intimidating, hostile, or offensive environment within any District school, activity, or program.

Bullying will often, but not in every case, involve evidence of either (1) an imbalance of real or perceived power, or (2) an attempt to establish, assert, or demonstrate such a power differential through the conduct.

Younger students might better understand the meaning of "bullying" when the term is defined to include conduct that one person uses on purpose to hurt, belittle, embarrass, or scare another person, where the person who is being bullied would have difficulty protecting or defending himself/herself.

"Cyber-bullying" is defined as bullying that involves the use of digital technologies, including, but not limited to, e-mail, cell phones, text messages, instant messages, chat rooms, and social media. Cyber-bullying is prohibited and treated the same as all other types of bullying.

Definition of Harassment

Prohibited harassment that is based on a student's legally-protected status is separately addressed in Board Policies 113 and 411. As used in this policy, the term "harassment" means:

1. Either:

- a. A course of conduct or a single, severe incident directed toward one or more other persons that is based on some actual or perceived distinguishing characteristic that, although not a legally-protected status, is similarly an inappropriate basis for any mistreatment (such as a student's physical appearance, economic status, or social status); or
 - b. A course of conduct *insert if desired: "or a single, severe incident"* directed at one or more other persons that does not serve a legitimate purpose; AND
2. The conduct does one or more of the following:
 - a. Substantially interferes with any student's education;
 - b. Substantially interferes with a person's ability to participate in or benefit from any school activity or program;
 - c. Endangers the health, safety, or property of the target(s) of the behavior; or
 - d. Creates a threatening, intimidating, hostile, or offensive environment within any District school, activity, or program.

Examples of conduct that "does not serve a legitimate purpose" (most of which are also independent violations of one or more laws or other District conduct rules/expectations) include the following:

1. Any act done with the intent to frighten, intimidate, threaten, harm, degrade, or physically or verbally abuse another person (e.g., stalking, hazing, etc.);
2. Any act, attempt, or threat of theft, vandalism, extortion, or other property damage;
3. Any act, attempt, or threat **to** inflict physical pain or injury;
4. Improperly interfering with another person's freedom of movement or his/her ability to complete their work or engage in a District program or activity;
5. Acts undertaken to annoy another person; or
6. Any conduct that an individual persists in doing following a District or law-enforcement directive to cease or avoid engaging in the conduct.

Bullying and Harassment Are Prohibited

The District prohibits students from bullying or harassing any person when either the aggressor and/or the target (victim) of the behavior is (1) at school or on school grounds; (2) at any school- sponsored activity; (3) using District-provided transportation; (4) under the supervision of a school district authority; or (5) otherwise within the scope of the District's disciplinary jurisdiction (such as conduct that occurs away from school that endangers the health, safety or property of a person who is at school).

The District also prohibits the bullying or harassment of students, whether by another student, a District employee, a non-employee acting as an agent or contractor of the District, or another person who is present in, or who engages in conduct that sufficiently impacts, the educational environment or the applicable District program or activity.

Procedures for Reporting/Retaliation

All school staff members and school officials who observe or become aware of acts of bullying or harassment are required to promptly report this to the principal. If the complaint involves the principal, the incident shall be reported to the Administrator of Student Services.

Any other person, including a student who is either a victim of the bullying or harassment or is aware of the bullying or harassment or any other concerned individual is encouraged to report the conduct to the principal. If the complaint involves the principal, the incident shall be reported to the Administrator of Student Services.

Reports of bullying or harassment may be made verbally or in writing and may be made confidentially. All such reports, either verbal or in writing, will be taken seriously and a clear account of the incident to be documented. A written record of the report, including all pertinent details, will be made by the recipient of the report.

The school official receiving a report of bullying or harassment shall immediately notify the school district employee assigned to investigate the report: principal or Administrator of Student Services.

There shall be no retaliation against an individual making such reports. Individuals engaging in retaliatory behavior will be subject to disciplinary action.

Reports/Complaints: District Response

District procedures that are established for submitting reports or complaints under this policy or for the prompt and reasonable resolution of such reports or complaints shall be consistent with the following:

1. In addition to any other reporting procedures that may be established, any person may report an allegation of bullying or harassment under this policy directly to *the relevant school principal or to any of the District's nondiscrimination and equal opportunity coordinators as identified in Board Policy 113*.
 - a. The report or complaint to such District employees may be submitted (1) in person; (2) by U.S. mail; (3) by telephone; or (4) by electronic mail.
 - b. To avoid miscommunication, the District encourages written complaints. However, no matter how a report or complaint is presented, the person making the report should clearly and expressly identify that he/she is reporting a concern with bullying or harassment under this policy.
2. The District's response to an identified incident, report, or complaint of bullying or harassment under this policy shall take into consideration the totality of the relevant circumstances and be reasonably proportional to the seriousness of the alleged or substantiated conduct. However, if a report or complaint identifies or alleges conduct on the basis of a legally-protected status that, if proven, could constitute a violation of a District student nondiscrimination policy, the District shall process the matter as provided under the District's nondiscrimination policies and under the applicable state and federal nondiscrimination laws.
3. Violations of this policy will normally be addressed through remedial interventions and/or District-imposed consequences. Possible consequences for students who engage in bullying or harassment (or prohibited retaliation) include, but are not limited to, revocation of school-related privileges, temporary removal from class or school activities, suspension, expulsion, and/or referral to law enforcement officials for possible legal action. When a District employee is determined to be responsible for the bullying or harassment of a student (or prohibited retaliation), any disciplinary consequences will be addressed under the District's procedures for handling such personnel matters.

Procedure for Investigating Reports of Bullying or Harassment

An investigation to determine facts will take place in a timely manner to verify the validity and seriousness of the report. Affected parents and/or guardians will be notified that a report has been made. The District shall keep the complaint confidential to the extent required by law for both the accused and accuser.

In situations in which cyberbullying originated from a non-school computer or other technology device but is brought to the attention of school officials, disciplinary action shall be based upon whether the conduct is determined to be severely disruptive of the educational process so that it markedly interrupts or severely impedes the day-to-day operation of school. Any legal violation will be promptly reported to legal officials.

Confidentiality

Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of reports and complaints under this policy to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Nonetheless, investigating a matter often involves disclosing (directly or indirectly) the identity of persons involved in the particular events/issues. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in the process.

Sanctions and Supports

If it is determined that students participated in bullying or harassing behavior or retaliated against anyone due to reporting of bullying or harassing behavior, the principal, Administrator of Student Services and Board of Education may take disciplinary action, including, but not limited to: suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate.

Retaliation Prohibited

Retaliation is prohibited against any person who has reported (or who is believed to have reported) a possible violation of this policy, a person accused of violating this policy, or against any person who otherwise participates in any investigation, inquiry, or other proceeding related to an incident, report, or complaint of bullying or harassment. Retaliation includes, but is not limited to, any form of intimidation, harassment, or inappropriate disparate treatment. Any such retaliation is a serious violation of Board policy independent of whether the report, complaint, or allegation in question is substantiated. Allegations or concerns regarding retaliation may be reported to the District using the procedures that are established for reporting other alleged violations of this policy.

False Complaints Prohibited

The District recognizes that false or fraudulent claims of bullying or harassment may be filed. The District shall treat all bullying and harassment claims as valid claims unless and until the District's investigation reveals that the complaint was filed falsely, fraudulently, or for an improper purpose. The District reserves the right to discipline any

person filing a false or fraudulent claim of bullying or harassment, with the same range of discipline as described in the above paragraph.

Students found in violation of the bullying or harassment policy may be referred to student services staff for counseling or other educational programming designed to prevent repetitive bullying or harassing behavior. Employees found to have participated in bullying or harassing behavior, or having become aware that bullying or harassment was taking place and failed to report the behavior, are considered to be in violation of the prohibition expressed by the policy. They may be subjected to disciplinary action consistent with collective bargaining agreement or disciplinary action established by policy or practice.

Bad-Faith Conduct Prohibited

The District prohibits all persons who are subject to the District's rule-making authority from knowingly providing false information regarding alleged bullying or harassment, fabricating any incidents/allegations, or other similar bad-faith conduct or abuse of process.

Disclosure and Public Reporting

The policy will be distributed annually to all students enrolled in the District, their parents and/or guardian and employees. It will also be distributed to organizations in the community having cooperative agreements with the schools. The District will provide a copy of the policy to any person who requests it.

Records will be maintained on the number or types of reports made, and sanctions imposed for incidents found to be in violation of the bullying and harassment policy.

An annual summary report shall be prepared and presented to the Board, which includes trends in bullying and harassing behavior and recommendations on how to further reduce bullying or harassing behavior. The annual report will be available to the public.

Legal

[Section 118.01\(2\)\(d\) \[personal development curriculum\]](#)

[Section 118.13 \[student nondiscrimination requirements\]](#)

[Section 118.164 \[removal of students from class\]](#)

[Section 118.46\(2\) \[student bullying policy required\]](#)

[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 \[restricted access to personal Internet account\]](#)