

## STUDENT HARASSMENT AND STUDENT BULLYING Policy 411.1

The District is committed to providing a safe, supportive and respectful school environment for all students and strictly enforces a prohibition against bullying and harassment. Bullying and harassment behaviors interfere with student learning and have a detrimental effect on the personal health and well-being of students, and will not be tolerated in the District.

### Defining Bullying

As used in this policy:

1. "Bullying" refers to severe, systematic, or repeated actions that involve the implied, threatened, attempted, or actual infliction of physical harm or psychological/emotional distress on one or more students, staff, or other persons. Bullying may involve an actual or a reasonable perception of an imbalance of power between the bully and the victim/target. Bullying occurs when someone purposefully engages in written, spoken, nonverbal, or physical behaviors or communications (including but not limited to actions that threaten, intimidate, insult, degrade, or ostracize) that have the effect of doing any of the following:
  - a. Substantially interfering with any student's education;
  - b. Substantially interfering with a person's ability to participate in or benefit from any school activity or program;
  - c. Endangering the health, safety, or property of the target(s) of the behavior; or
  - d. Creating a threatening, intimidating, hostile, or offensive environment within any District school, activity, or program.
2. "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.

Younger students might better understand the meaning of "bullying" when the term is defined to include conduct that one person uses on purpose and usually more than just one time to hurt, put down, embarrass, or scare another person, where the person who is being bullied would have difficulty protecting or defending him/herself.

Bullying can involve direct interaction between the aggressor-bully and the target(s), or it can be indirect (such as orchestrating others to engage in acts of bullying, facilitating bullying conduct by others, taking secretive or covert actions, etc.).

While bullying involves deliberate/purposeful conduct, intent/purpose may properly be inferred from the totality of the circumstances (e.g., where the behavior is persistent/repeated or where the responsible party reasonably should have been able to foresee the consequences of his/her actions and the manner in which his/her conduct would be likely to be perceived by the target(s) of the conduct).

Not all behaviors that (1) hurt another person's feelings; (2) are a manifestation of an interpersonal conflict; or (3) are in some way unkind, amount to acts of bullying (or harassment) as defined in this policy. However, such negative behaviors are still a legitimate subject of concern and regulation within the school environment.

### Defining Harassment

As used in this policy, the term "harassment" means behavior directed towards another person:

1. which either: (a) is based, in whole or in part, on any legally-protected characteristic or classification, including (with respect to a student victim/target) a student's race, color, national origin, ancestry, sex, sexual orientation, religion, creed, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability; (b) is based on some other actual or perceived, but irrelevant, distinguishing characteristic, such as (with respect to a student

victim/target) a student's physical appearance, economic status, or social status; or (c) does not serve a legitimate purpose;

AND

2. which either: (a) substantially interferes with a student's school performance, an employee's ability to do his/her work, or any person's ability to perform or participate in a District-related function; (b) substantially interferes with a student's ability to participate in or benefit from any school activity or program; (c) creates an intimidating, hostile or offensive environment within any District school, activity, or program; (d) substantially interferes with or endangers the education, health, safety, or property of the victim/target; (e) causes a substantial disruption to any school-related activity or program; or (f) compromises the District's ability to operate efficiently and effectively.

**Bullying and Harassment by Students is 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).

Student violations of this policy will normally be addressed through remedial interventions and/or consequences. The exact response applied to a particular incident shall take into consideration the totality of the relevant circumstances, including but not limited to the nature and severity of the conduct, the age and developmental level of the student, and the student's behavioral history. 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.

The District is not able to investigate and impose the same school-related consequences on a student for all out-of-school conduct that, if the conduct had taken place under other circumstances, would have constituted a violation of this policy and been within the school's jurisdiction for suspension or expulsion. However, where a District employee determines, based on communications with students or parents or guardians, that an out-of-school incident (or alleged incident) is having, or is likely to have, a negative effect within the school environment, the Board authorizes District staff to respond to non-school incidents that are brought to the District's attention through activities that may include a parent meeting, safety planning, counseling, or other appropriate interventions.

**Application of this Policy to School Officials, District Employees, and Others**

The District also prohibits bullying and harassment by District officials, District employees, District volunteers, contracted service providers, and others who are present at a school, on school grounds, or at any school-sponsored activity. While the primary focus of this policy concerns victims/targets who are students, such conduct is prohibited regardless of whether the target of the behavior is a student, school official, District employee, parent or guardian, or other person.

When an employee is alleged to have engaged in bullying, harassment, or prohibited retaliation, the incident (including the possible imposition of consequences) will be addressed in a manner consistent with the District's procedures for handling personnel matters. When a person who is neither a student nor an employee violates this policy, the District likewise reserves the right to take appropriate remedial action, including the imposition of possible consequences (such as limiting the individual's access to District property or activities, referral to law enforcement, etc.).

**Reports/Complaints; Confidentiality**

The District shall establish and implement procedures under which incidents and concerns involving bullying, harassment, or any related allegations of retaliation can be reported and addressed in an appropriate manner.

In addition to any other reporting procedures that are established:

1. When the victim/target of the alleged behavior is a student, a person may report the behavior as a complaint under the District's student discrimination complaint procedures; or
2. When the victim/target of the alleged behavior is an employee, a person may report the behavior as a complaint under the District's employment discrimination complaint procedures; or
3. When the victim/target of the alleged behavior is neither an employee nor a student, a person may report the behavior to the appropriate activity supervisor, building principal, or to the District Administrator. A written complaint is preferred, but, no matter how the report is presented, the person making the report should clearly and expressly identify that he/she is reporting a concern with bullying, harassment, or retaliation.

Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of reports and complaints 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.

#### **Retaliation and Abuse of Process are Prohibited**

Retaliation is prohibited against any person who has reported in good faith (or who is believed to have reported) a possible violation of 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. Such retaliation shall be considered 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 harassment and/or bullying.

Knowingly providing false information regarding alleged bullying or harassment, fabricating incidents/allegations, and similar bad-faith conduct shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

#### Legal

[Federal Law Title II of the Americans with Disabilities Act of 1990](#)

[Federal Law Section 504 of the Rehabilitation Act](#)

[Federal Law Title VI, Civil Rights Act of 1964](#)

[Federal Law Title IX, Education Amendments of 1972](#)

[Federal Law Children's Internet Protection Act \(](#)

[Wisconsin Statutes Section 995.55](#)

[Wisconsin Statutes Section 948.51\(2\)](#)

[Wisconsin Statutes Section 947.0125](#)

[Wisconsin Statutes Section 120.13\(1\)](#)

[Wisconsin Statutes Section 118.46\(2\)](#)

[Wisconsin Statutes Section 118.164](#)

[Wisconsin Statutes Section 118.01\(2\)\(d\)](#)

[Wisconsin Statutes Section 947.013](#)

[Wisconsin Statutes Section 118.13](#)

[Wisconsin Administrative Code PI 9](#)